THE

REVENUE REGISTER.

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A MANUAL OF THE CUDDAPAH DISTRICT.

We have just received from the Revenue Department of the Government Secretariat, a copy of the Manual of Cuddapah. This is another and a valuable addition to the series of District Manuals, the first of which emanated some five years ago from the pen of the present Revenue Secretary when he was Governor's Agent and Collector in the District of Vizagapatam. Since that time we have seen the bulky and ponderous *Manual* of Madura, the Manual of Bellary, and the Manual of Nellore, rivalling in bulk, and excelling in prosiness, the Manual of Madura.

The Manual of Cuddapah is divided by its author into four parts. The first part is sub-divided into three chapters; the first of these chapters is generally "Descriptive," the second treats of the geology and population of the District, and the third affords us a "Descriptive notice of the taluks." Part II, in six chapters, gives us the History of the District, and Part III, Miscellaneous, treats of the Criminal Classes, the Police, Climate and Health, Agriculture, Revenue, Public Works, Popular Superstitions, and so on. The appendices are lettered from A to G, and contain much valuable information on various matters connected with the administration of the district. In a pocket attached to the book is a really splendid Map of the District, drawn to a scale of 8 miles to 1 inch. The sub-divisions or taluks of the district are clearly defined from each other by being variously coloured; while the roads, railway, canal, bungalows, police, and trigonometrical stations are marked out in a clear and unmistakable manner. Another map shows the positions and extent of the various polliams. It is got up something in the same style as the District map, the taluks being marked out in colours. The polliams are, however, not very apparent on a cursory glance, being marked out by faint dotted lines. It would perhaps have been better had they been shown by a slender line of vermillion. The map of the river system is, we think, the best in the book. The idea of colouring the valleys of the several rivers with different colours seems to us to be a peculiarly happy one. Facing page 91, on which is told its legend, is a photograph of the Gurramkonda Hill and Fort. It seems to us a little hazy, but probably that is an unavoidable fault under the circumstances. Before entering into anything like a brief resumé of the Cuddapah Manual, let us premise that it is printed on nice paper; that the letter-press is good; that it appears wonderfully free from typographical errors,

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though we regret to notice that in the last line of the first page of Chapter I. "division" is mis-printed "pivision," no doubt from the printer's familiar having turned the *d* the wrong way. Such an accident not unfrequently occurs (as we know to our sorrow) after the final revision of proofs.

Chapter I., Descriptive.—From this chapter we learn that Cuddapah is shut in on its southern and eastern sides by lofty mountains, while on the west and south-west there are no hills. This difference of local features Mr. Gribble supposes, and no doubt rightly supposes, has a great influence over the people of the district. He tells us that Cuddapah is divided into the Main Division and the Sub-Division; that the ghauts form the natural boundary between them; and that the two divisions are so dissimilar as each to need a separate description. He commences with the Main Division. The area of this he puts down at 4,793 square miles, with a population of 801,025, giving an average of 173 to the square mile. The roads near Cuddapah itself are, it appears, good, being made of 'Kankar', *i. e.*, nodular limestone. We are told that they wear into a "smooth hard surface, in which the rains make no gullies, and over which the wheels roll as if on a tramway." This may be very well for Cuddapah: what would the result be in London? The much reviled Climate next comes under notice, and Mr. Gribble assures us it is not so bad as represented. He admits the heat, but contends that it is not unbearable; while the low fever prevalent does not, he thinks, leave behind it such bad effects as the fever prevalent in Kurnool and Godavery. However, as the subject re-appears in a subsequent part of the work, we will leave any comment on it till that part comes under review. Under the head of "Natural Features" we find a good description (written, as Mr. Gribble tells us, by the late Mr. Boyle), which would apply, we fancy, to many other localities.

"A word about the district scenery. All plain scenery in India labors under the great want of water. A bare expanse of black cotton soil, fringed by a bare line of brown hills, and picked out sparsely with rugged brown babool trees, is calculated to awake little enthusiasm in any body but a Cotton Commissioner; nor do the higher hill ranges, except in their greenest season and in their most sheltered nooks, please the eye, so that it loves to linger on them. In the same way the greater part of the scenery in the northern part of the main division is dull and uniform. In the southern and north-western portions, where the hills are more thickly wooded and are thrown together in wild confused masses, it is grand; and especially so at that portion of the Yerra Malla hills where the Pennair rushes through a narrow gorge and emerges at the old fort of Gandikota" (= the fort of the Gorge). Where the Cheyair runs through the Seshachellam hills, the scenery is also exceedingly beautiful. Steep hills covered with vegetation descend several hundred feet, until they almost meet at the base and are only separated by the narrow stream, the bed of which is not more than 200 yards broad. With the exception of the Pennair, the Cuddapah district may be said to be destitute of rivers, and possesses nothing but a number of fierce torrents, dry for the greater part of the year, but which, for a few days in the rainy seasons, rush foaming seawards, carrying away with them the water which, if stored, would be of more worth to the country than drops of gold. Still, such as they are, the rivers of Cuddapah are of infinite value to the country. The river basins are here, as elsewhere, the busiest centres of cultivation and the most frequented haunts of men. The main watersheds of the country lie on the north-west and south-west, and discharge their drainage into the central basin of the Pennair, which divides the district rather unequally into a Northern and Southern Division.

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"Almost without exception, each of the rivers just named,* has a more or less broad belt of alluvial soil rising gradually from either bank; and each of these river basins has, in times gone by, been the centre of a separate political unit—a little state restrained, as it was protected by the line of the hills that hemmed it in on either side. Thus the level lands of the Ponnair round Cuddapah and east and west of that town formed the dominions of the Sidhout Rajah, and later the seat of the Nabob of Cuddapah; the valley of the Cheyair was the Raj of Chitwail; the broad plains of the Kundairoo belonged to the Poligar of Nossum; those near Gandi Kota to the Petty Rajah of that place, and the narrow and barren defile through which runs the Sagalair, supported the families of the Pullalo Cheruvoo and Poremomillah; and this physical isolation of every separate nook and corner of this wild country is the key that unlocks its past history, the fact that explains the successive uncontested conquests, and the long continuity of foreign occupation that left the tenants undisturbed under every new master; so that Hindu Poligars served Moghul Emperors, Vizianuggur Princes, Hyderabad Nizams, Mahratta usurpers, and Mysore Sultans with the most perfect adaptiveness to their own interests and the will of their temporary rulers."

The Cuddapah ryots are, we are told, splendid farmers: they appear to be alive to their own interests, for they manure their rich lands well, and obtain in return a good harvest of various grains. Cotton-growing is, however, the staple industry of the district, and Mr. Gribble says with perfect truth, "The ryots are all well to do, and, as is generally the result of riches, are quarrelsome and litigious to a degree." We notice with regret the improvident and dangerous practice prevalent in the district of firing the forest grass year after year. This is a bad and short-sighted policy, but we doubt whether for many years to come we shall be able to persuade the ignorant and mamool-loving, peasants to do otherwise than as their fathers did.

* Chitravati, Papagni, Cheyair, and Pennair.

The second part of this chapter is devoted to the Sub-Division which is under Mr. Gribble's own direct charge. As we should anticipate from its height above the sea level of 1,500 to 2,500 feet, the climate is described as being most pleasant. Even during the hottest months of the year the thermometer is said never to range higher than 92° in the shade, while the mornings and evenings are always cool. We should fancy that the climate must resemble that of the adjacent Mysore plateau. This sub-division appears to be rich in tanks; indeed, we are told that there are so many that they never receive a full supply,—while the tenures on which they are held cause much loss to the Government. This portion of the country appears to be both picturesque and healthy, and has elicited an appreciative and pretty description from the pen of its guardian, whose lot appears to have fallen for the present upon pleasant places. No doubt if office work would only permit of it, the sub-division could, in addition to moonlit hills and smiling valleys, supply its Sub-Collector with good sport; for he tells us that in the ravines of the hill at Kaulamadogoo, thirteen miles from Madanapally, his head-quarters, there are sambur, pigs, and bears. Rivers, worthy of the name, the sub-division possesses not. Its possessions in this particular are limited to a few jungle streams. This of course stands to reason: when there is no range of higher hills to supply them, whence can the rivers come? They have no glaciers or other means of supply beyond the jungles on the hills, which cannot do more than produce the small streams above alluded to.

With this brief resumé we must content ourselves for the present, but we shall hope to continue our pleasant task when preparing for press next month.

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CORRESPONDENCE.

LONDON LIFE.

[FROM OUR SPECIAL CORRESPONDENT.]

SIR,

The inhabitants of the metropolis, and indeed of the whole United Kingdom, were gratified about three weeks ago by the announcement that Her Majesty had signified her gracious intention of opening Parliament in person. The opportunities of seeing the Queen during the last fourteen years have been so rare that any chance of realising the personality of the sovereign is eagerly hailed by all classes. For the first five years after the lamented death of the Prince Consort the public cheerfully and respectfully acquiesced in the seclusion of the widowed Queen, but it cannot be denied that of late there has been a strong feeling that a little more personal intercourse with her subjects would be highly desirable. During the last five years she has only appeared twice in public; in February 1870, when she opened the Session, just prior to the marriage of the Princess Louise to the Marquis of Lorne, and in 1872, when she attended St. Paul's Cathedral to return thanks for the recovery of the Prince of Wales from a dangerous illness. It is not surprising then that hundreds of thousands should have assembled along the line of route, to see the royal cortége pass from Buckingham Palace to Westminster Hall. Anything like a pageant is so rare now-a-days in this country that the state coaches, the gorgeous lackeys, the quaintly attired "Beef-eaters," the splendid horses with their gay trappings, and the imposing display of infantry and cavalry would have ensured the presence of a multitude of spectators, but, I am happy to say, the demeanour of the masses was so respectful and cordial that it may be affirmed that a large majority came on purpose to gratify their desire to behold the Queen herself. The mob was singularly well-behaved and formed a striking contrast to the unruly following which usually attends the civic procession of Lord Mayor's day. The historical cream-coloured horses too comported themselves with befitting dignity, and disappointed the croakers who had prophesied all sorts of catastrophes because they had not been in harness for six years. The Princess of Wales and the Princess Beatrice accompanied Her Majesty, the former having only returned from Denmark the previous day. The weather was most unpropitious, the sky dull and leaden as it can be only in London, with occasional showers of sleet, but the adverse elements did not exhaust the patience or good humour of the "lieges," and the greatest objects of compassion were the silk-encased calves of the Royal footmen. In ludicrous connection with the Imperial progress it must be chronicled that the mountebank member for Stoke, the eccentric champion of Arthur Orton, the scurrilous editor of the "Englishman", Dr. Kenealy ex.-Q. C., got up a procession of his own with the assistance of a parcel of ragamuffins [budmashes], who dub themselves the "Magna Charta Association." He drove from his residence in Bloomsbury, followed by all the tag-rag and bob-tail of the district, including a plentiful sprinkling of pickpockets, and was alternately cheered and hissed by the by-standers. He, no doubt, imagined that he was going to make a triumphal entry into Palace Yard and compete with his sovereign for popular notice, but pride goes before a fall, and when his shabby landau reached Whitehall, a few mounted policemen and Life-Guardsmen adroitly intercepted his ragged train, and the learned Doctor drove on to the House of Commons unnoticed, with no one to soothe his wounded feelings except the wife of his bosom, and a daughter and the hopeful Mr. Ahmed Kenealy, who promises to turn out almost as irrepressible a nuisance as his papa.

The Queen's speech was awaited by the public with unusual interest as, contrary to custom, its contents do not appear to have been divulged to the newspapers beforehand. A more than ordinary importance attaches at the present moment to Foreign affairs, and all the world was on the *qui vive* to learn what Her Majesty's Government might have to say about Turkish Bankruptcy, the Herzegovina insurrection, the purchase of the Suez Canal shares, the murder of Mr. Margary, and the Malay outbreak. Curiosity also naturally existed respecting domestic questions, such as Mr. Plimsoll's Shipping Act, the reform of the Judicature, sanitary measures and local taxation. The Royal Message has one great recommendation; it does not promise a host of measures which cannot possibly be passed in the number of weeks allotted to the Session. This has been the great fault of successive ministries, both liberal and conservative, for many years past, and Mr. Disraeli and his colleagues have set a good example in not promising what they cannot perform. Unless the Irish Members persist in being as provokingly obstructive as they were last year, there seems every probability that the Parliamentary Session of 1876 will be more prolific of solid and useful, if not sensational, legislation than any of its predecessors.

The opening paragraph of the speech which states that our "relations with all foreign powers continue to be of a cordial character" is happily almost stereotyped, but is none the less welcome considering the excited condition of external politics. The allusion to the insurrection in the Turkish Provinces of Bosnia and Herzegovina, "which the troops of the Sultan have hitherto been unable to repress," is rather

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vague, but it may be assumed that Her Majesty's Government are now prepared to insist upon the execution of the reforms promised in the celebrated "Hatti Humaioun" twenty years ago. The purchase of the Suez Canal shares is mentioned as "subject to the sanction" of the legislature, but it is significantly added that the "transaction is one in which the public interests are deeply involved." Sanguine views are expressed regarding our diplomatic relations with China in connection with the barbarous murder of Mr. Margary, but I fear we have by no means seen the end of that imbroglio. A more cheering paragraph in the Royal message is that in which Her Majesty expresses her gratification at the "hearty affection with which her dear son the Prince of Wales has been received by her Indian subjects of all classes and races."

There can be no doubt that the extraordinary welcome extended to the Heir-Apparent in Hindustan has done more to familiarise the British Public with our Indian Empire than anything that could have been devised by the mind of man. The speech then diverges to domestic topics which need not be specially mentioned now, but on which I shall of course comment, in order, as they crop up in the course of the Session.

I will now specially advert to one sentence in which Her Majesty said "at the time that "the direct Government of my Indian Empire "was transferred to the Crown, no formal addi-"tion was made to the style and titles of the "Sovereign. I have deemed this a fitting op-"portunity for supplying this omission and a "bill upon the subject will be presented to you." This announcement has been heartily approved in this country, and will no doubt be gratifying to loyal subjects in the East. Great and well-founded complaints have been made of the ignorance of, and indifference to, our Indian Empire displayed by Englishmen in general and Parliamentary representatives in particular; the House of Commons has on more than one occasion been culpably careless of Indian affairs; it is a reproach to us as a nation that India is still little more than a name to the vast majority of Englishmen; let us hope that when the Queen is styled "Empress of India" we shall all reflect more deeply on the terrible responsibility implied in the dependence of more than two hundred millions of people on our sway.

The usual address to the Crown was carried *nem. con.* Never was an opposition milder or more conciliatory. Earl Granville in the House of Lords and Lord Hartington in the Lower Chamber "roared like sucking doves," and the debate, if such it can be called, concluded before the dinner hour. The fact is that there are portentous clouds in the political horizon abroad, and the gentlemen who sit on the Speaker's left, presaging the storm, have the patriotism and good taste not to talk to the "man at the wheel."

The disquieting fluctuations in the values of foreign stocks still continue, and there are many people who think that Egyptian finance will soon be in as hopeless confusion as that of Turkey. Mr. Cave, who was specially sent out to Cairo by our Government to investigate the intricate details of the Khedive's Exchequer, has not yet returned to England, and until his report is made public, no accurate information can be had. But nothing restrains the rampant efforts of the "Bulls and Bears" on "change." Every disgraceful dodge imaginable has been employed during the last month to alternately inflate or depress Egyptian securities, and values have varied as much as five per cent from hour to hour. Some speculators have realized fortunes, others have been ruined, but the unfortunate victims of these intermittent panics have been the *bonâ fide* but timid investors. The creditors of Turkey have as yet been unable to come to any terms with the Porte, and it is likely enough that in the end the sufferers will "grin and bear it" without further remonstrance, and the unscrupulous Turk will calmly pocket the 80 millions sterling of which he has robbed them. As to Paraguay, Honduras, and Costa Rica, the holders of the bonds issued by those republics are quite resigned to their fate. Uruguay has now also been added to the list of defaulters. It is pleasing to know that the "State of Honduras" is no longer diplomatically represented in this country. Don Carlos Gutierraz has been discreetly withdrawn from the Court of St. James's, and gentlemen who go to pay their respects to Her Majesty will no longer be exposed to contact with the representative of an unprincipled swindle.

Railway accidents are unfortunately not rare in England, but among all the appalling catastrophes which have shocked humanity, the late disaster at Abbot's Ripton on the Great Northern Railway stands pre-eminent. A bleak evening in January, a heavy snowstorm, a blinding east wind, two express trains, and a heavy coal train, are the combined elements of the terrible calamity. The up express rushing at top speed is hurled upon the coal waggons, and the engine leaps into the air and falls over, while the carriages behind it, full of passengers, are battered into splinters, whence a few emerge alive, the rest being killed outright or jammed amid the fragments in pain and terror. Into the mid-ruin of this horrible chaos comes the down express rushing over the wreck already made, killing the wounded and mangling the dead. Such an aggravation of destruction bewildered all who saw it, and made sane men imbecile for the time. Fifteen lives were lost, and two score people gravely injured. Lord Colville had a hair's breadth escape, and the eldest son of Mr. Boucicault, the celebrated actor and

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dramatic author, was killed on the spot. And all this misery may be traced to unpunctuality. Until verdicts of manslaughter are returned against Railway Directors and Traffic Managers, these accidents (?) will perpetually recur. The same disregard to the time-bill, which so seriously inconveniences the Bank clerk on the suburban lines every morning, produces these fearful catastrophes; and it is the duty of the legislature to rectify such a crying evil.

Some short time back there appeared in the columns of the *Times* newspaper, a letter from an "educated Hindoo," in which he complained bitterly that the adjective "Barbaric" had been applied in a leading article to a native entertainment in India on the occasion of the Prince of Wales's visit, and also, that the Dean of Westminster in a sermon had qualified Hindustan as that "barbarous" land. The leading journal, as is its wont, "wriggled" out of the accusation by assuring the offended member of the Brahmo Somaj that "barbaric" was a totally different epithet from "barbarous," and that it was rather complimentary than otherwise, its real meaning being grandiose and magnificent. Dean Stanley, with an astuteness which does him infinite credit, but with a want of alacrity which materially detracts from its merits, writes a week later to say that the reporters misunderstood him, and that the term he used was "marvellous" not "barbarous." Some censorious people consider the explanation rather more ing*en*ious than ing*enu*ous. But the controversy did not end here; being a slack season for news, the columns of the "Thunderer" were opened to a number of more or less intelligent scribblers, and we have been favoured with an animated consideration of the *pros* and *cons* as to whether England or India is the most civilized country. To those who are endowed with an ordinary amount of common sense, the question appears tolerably easy of decision; but it is surprising how skilfully obstinacy and casuistry can argue the point. The educated Hindoo finds fault with the internal economy of the Brighton Workhouse, and thinks our poor-laws bad, in which opinion millions of Englishmen will cordially agree with him; he also objects to the chignons of false hair of the ladies, and the slaughter of innocent birds for the ornamentation of their head-gear. This is the head and front of our offending as set forth in his remonstrance to the newspaper. He might well have included inebriety and wife-beating in his accusations, but I suppose he does not feel certain that the pious Hindoo never chastises his spouse or indulges in an extra dram of fire-water. What after all is the meaning of civilization? Can it for one moment be sustained that the natives of Hindustan are as advanced as Europeans in education, road-making, implements of agriculture, scientific instruments, astronomical knowledge, sanitary arrangements, medical skill, music, geography, painting, and sculpture, and are not all these the essential elements which distinguish civilization from a state of barbarism? Is the throwing of corpses "unhouselled, unannealed" into the Hooghly and the Ganges a civilised custom? Are the "Towers of Silence" of the Parsees compatible with modern ideas of civilization? What of the "devil-dancers" of the south, of Suttee, of the car of Juggernaut, of Fakirs, of Monkey-worship? Are these the manners and customs of civilization? Must I recall the treachery of Nana Sahib and the atrocious massacre at Cawnpore? Surely, the member of the Brahmo Somaj would have acted more wisely in not forcing us to note these painful differences between barbarism and civilisation. He must be taught that civilization does not consist alone in reading and writing, and dressing decently, and using a knife and fork; above all, he must realize that true civilization is inseparable from Christianity. The Brahmo Somaj is not a Hindoo sect, but a select circle of anglicised *literati*; for a member of this society to come forward as the champion of Hindoo civilization is as surprising as if a Quaker were to take up the cudgels for the Popish Inquisition. They have renounced the native civilization for our own *minus* the religious element. Hence they fail. Talented as were the ancient Greeks and Romans, and the Assyrians and Babylonians in still remoter ages, magnificent as are the works of architecture, painting and sculpture which they have bequeathed to posterity, clever and eloquent as were their Historians, Poets and Orators, skilful and brave as were their Emperors and Generals, still they were not civilized. The Christian era inaugurated pure civilization; and the doctrines of the Gospel are synonymous therewith. Before the advent of the Redeemer, all nations were equally barbarous in the true sense of the word; and should this world endure for millions of ages to come, the great fact will still hold good that where Christianity is not, there must civilization be conspicuously wanting. It is not at all probable that these lines will ever meet the eye of the gentleman who so pathetically entrusted his grievance to the tender mercies of the *Times*, but there may be native gentlemen who will read these lines, whose highest ambition is the highest civilization, and to them I would earnestly urge a careful consideration of what I have ventured to write, and I trust they will see that no "hair-splitting" can do away with the radical difference between civilization and barbarism.

The prevailing epidemic of the hour is a "craze" for skating-rinks and aquariums. It is now but little more than a twelve-month since skating on asphalte floors was introduced as a fashionable pastime, and it may now be almost termed a popular necessity, so universal

has the practice become. Originated by the élite of London Society at Prince's Club, it has spread rapidly throughout the provinces, and every fashionable watering-place has its rink or rinks, and in the metropolis there are quite half a dozen; whilst the advertising columns of the newspapers announce daily additions to the number. The "city" gentlemen, always on the look out to profit by the ephemeral foibles of their friends, have not failed to turn their attention to the subject, and more than one "Skating Rink Co." (limited), is already floated, with the assumed, if not assured, prospect of enormous dividends. After the late frightful collapse in Foreign Stocks, investors are at their wits' end to find a safe concern in which to embark their spare cash; and "rinks," I suppose, may be considered better security than Honduras and Costa Rica bonds; but if the mania for skating is no longer-lived than that for croquet, the investment will not be permanent. One great point in favour of this exercise is, that young ladies and their mammas consider it a most advantageous method of forwarding non-detrimental flirtations, and as long as they continue to hold this opinion they will not allow the "healthful" pastime to languish for lack of votaries. The Surgeons, too, are bound to uphold the "institution," for it affords an abundant crop of fractured collarbones and dislocated wrists, and a grim statistician affirms that the "rinks" cause more dangerous accidents than the hunting fields of the entire United Kingdom. Moreover, a certain Mr. Plimpton will expend all his energy in fostering the skating *furore*. For has he not invented a four-wheeled skate, whose merits are not only undeniable but unapproachable? And has not the Supreme Court of Judicature decided that his patent is indefeasible, and that if the world desires to skate skilfully and comfortably, they must use his invention and pay a royalty accordingly? Among the manifold supporters of the sport, if I may use the word, must be named the Right Honourable Robert Lowe, ex-Chancellor of the Exchequer. He is no longer in his *première jeunesse*, but is still a boy in heart if not in years. Hitherto "bicycling" has been his favourite recreation, but of late it appears that the four-wheeled sandal has, in his estimation, superseded the two-wheeled velocipede. He is a constant attendant at the fashionable rinks. Notwithstanding his innate juvenility, it will be remembered that some few years ago he exhibited a vast lack of sympathy with the youthful and pauper population of the metropolis by attempting to enforce a tax upon lucifer matches, an attempt which was summarily and ignominiously nipped in the bud. Were he still in the position of concoctor of the budget, I should entreat him to impose a tax upon skates. They are only used as a luxury by the well-to-do classes, and a lady or gentleman might as well be fined moderately for their daily exercise on wheels affixed to the soles of their feet, as those members of society who prefer to rouse their livers into normal action by means of a high-trotting horse on which a heavy tax is annually laid.

The "Royal Westminster Aquarium" includes not only an extensive series of tanks for the marine monsters, but also comprises within its walls, a theatre, or concert hall, a suite of dining rooms, a huge conservatory, and a valuable collection of oil-paintings and sculpture. The building was inaugurated towards the end of last month by the Duke of Edinburgh, and although the arrangements are still incomplete, the enterprise gives ultimate promise of turning out a brilliant success. The well-warmed interior will serve as a winter garden for invalids in inclement weather, and music is "discoursed" nearly all day. When this kind of establishment becomes generally known, we begin to wonder how we have so long managed to do without something of the sort. The Alexandra and Crystal Palaces, at Muswell Hill and Sydenham respectively, are too far off for a daily visit, and no invalid cares to run the risk of an hour's journey in a draughty railway-carriage; but when the luxuries of a Winter-Garden and its numerous concomitant advantages are brought, so to speak, to one's very door, they are gladly welcomed and universally patronised. The Aquarium at Brighton has been an immeasurably greater pecuniary success than that at Sydenham, because for the inhabitants of Brighton it was within easy reach, and *pari passu* the fish tanks at Westminster should command popular patronage from the Cockneys. All our sea-coast watering-places are gradually providing themselves with these semi-scientific inducements to sociability, and it would be curious to ascertain how many connubial knots have been tied indirectly by the gambols of the porpoise, the contortions of the skate, the placid torpor of the sole, and the spasmodic elasticity of the Octopus.

The Aquarium originated in Brighton or the Crystal Palace, I forget which. The popularity of such an establishment has steadily increased. Science is benefited by careful and systematic collections of subaqueous specimens; and the quaint and unaccustomed motions, habits and customs of the denizens of the deep are interesting not only to the *connoisseur* but to the *profanum vulgus*. Still the area of an aquarium, wherever it may be situated, is necessarily limited; and fresh specimens cannot be procured every day, nor every week, nor even every month. Consequently, the purely submarine attractions of the aquarium have been gradually supplemented by extraneous entertainments. Music, newspapers, refreshments, &c., are now recognised as indispensable adjuncts, and the

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"dim religious light," which hovers in a kind of halo over the tanks, is peculiarly adapted to the whispering of soft nothings between Chloe and her suitor. Parents and guardians of mature age can satisfy their thirst for knowledge, whilst their juvenile companions indulge undisturbed in "Love's young dream." Popular as these piscatorial repositories have proved, it is remarkable that the metropolis has not provided one. The omission has just been rectified. Mr. Wybrow Robertson, a gentleman well known in India and distinguished for his energy, versatility and perseverance, recognised the want and set himself to work to supply it. With the aid of some two hundred gentlemen, selected from the world of art, literature and science, from the turf, the drama, and the ranks of the Peerage, he has erected a magnificent building, after the model of the Crystal Palace, at Sydenham, in a most central situation, adjoining Westminster Abbey and the Houses of Parliament.

In the month of December 1867 central London was roused by a vivid blaze which made men think that Pall Mall and all the Clubs were doomed to destruction. Her Majesty's Opera House was on fire, and not all the efforts of the Fire Brigade could prevent its being burnt to the ground. The *impresario* who had the lease removed his operatic troupe to more classic if less fashionable ground in Drury Lane; and for two years the ruins of the Queen's Theatre lay undisturbed. Then Earl Dudley, the ground land-lord, a nobleman whose eccentricity can only be paralleled by his wealth, rebuilt the theatre, but, having done so, demanded so exorbitant a rent that no operatic manager could come to terms with him. What sum he asked I do not pretend to say, but I do know, that if there is a liberal, reckless, nay quixotically extravagant, race of men on the face of the earth, it is the race of Italian Opera managers—witness Delaporte, Lamley, Delafield, and a host of others who have catered for public taste and perished financially in the attempt;—so I naturally conclude that the noble Earl's requirements were decidedly *hors ligne*. The theatre remained a "deserted village," and last spring it was authoritatively announced that it was to be converted into a West-End Stock Exchange. What horror! What desecration! Fancy the hoarse cries of brokers replacing the dulcet notes of Rubini! The shrill tones of the House janitors resounding in place of the sonorous but melodious outpourings of Lablache's marvellous throat! The passionate squeak of the young jobber in lieu of the liquid sweetness long drawn out of a Persiani and a Grisi! The blood of the old *habitués* must have run cold at the very idea! What have "contango" and "bachwardation" in common with *Unâ voce* and *A te o cara?* True it is that many *prima donnas* in our day turn their "notes" into gold, but this may be considered an æsthetic exchange totally at variance with the vulgar buying and selling of the money-market. Independently of sentiment, it would have been highly undesirable to establish an additional emporium of speculation in the heart of the West-End of London. Both the substantially gilded and the utterly impecunious youths of this great city are quite prone enough to cast their fortune on the hazard of a die. They require no fresh incentives to tempt the "jade." Many a man has saved some hundreds because it was "such a bore" to go two miles east of Temple Bar; how many thousands might he have squandered had the gambling-shop been set up within a hundred yards of his club! The Haymarket Opera House, however, is not to be converted into a privileged "Hell;" it is to be a Post Office, a *succursale* of the great establishment in St. Martin's-le-Grand. More "notes" will now issue therefrom than in the palmiest days of the lyric Drama, and the frequenters of its portals will be more concerned with the "timbre" of a foreign letter than with the "register" of a native voice. If the project is carried out, it will no doubt be a great boon to the West-End of London. After 7 P.M. a *letter* must now be sent to the post office in the city by a special messenger; when a new Head Office is opened in the Haymarket, letters will be posted there up to 8 o'clock in the evening; and no doubt the Indian and Continental Mails will then be dispatched from Charing Cross as well as from Cannon Street, whence only they start at the present time.

A man of uncompromising spirit, too often prone to mistake roughness for independence, has lately died. This was Mr. Graham, a Cumberland wrestler in his youth and a champion in the arena, who "bettered" himself into a "bagman," and eventually became the head of one of the most extensive distilleries in London. A few years ago, when already past middle age, he embarked upon the troubled waters of the turf, and became the owner of a greater number of winners within a short space of time than any man within my recollection. His good luck did not make him happy. Mystery was with him a passion, and he seemed to spend his whole time in devising means to delude his friends and foes as to the ownership of his horses. He plotted, contrived, and beat about the bush, but all to no purpose, for "murder will out," and when a doubt was started as to who really owned such and such a horse, it was immediately decided that Mr. G. was the man; so that in the end he had to bear the onus of remarks concerning not only his own stud but a miscellaneous lot besides. The Prince of Wales once sent an Equerry to invite him to the Royal Stand after he had won the Ascot Cup. With many unrefined expletives of the north, the distiller replied that if H. R. H.

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wanted to speak to him, he had better come to him. He always considered himself a victim to aristocratic prejudice, because the stewards of the Jockey-Club would not regard his assertion that "Gladiateur" was a four-year old when he started for the Leger. Strange to say, man and horse died within a few days of one another; Gladiateur, according to Admiral Rous's dictum, "the best horse foaled since Bay Middleton," was a failure at the Stud. At three years old he was a triton among minnows, and as the saying is, "beat nothing in the Derby;" but his running in the Ascot Cup in 1866, when he beat Mr. Graham's mare Regalia, the winner of the Oaks, was one of the greatest performances ever witnessed on a race course. He was never a taking horse to the eye, and always had a "joint," which was a standing menace to his backers. He never succeeded in getting a real race-horse, and the 7,000 guineas which he fetched at the hammer when Mr. Blenkiron's stud was dispersed, was never recouped by his sanguine purchaser. One of his sons, named "Hero," who gave every promise of emulating his sire's fame, met with an accident and died without appearing in public.

I am, yours, &c.,

PERIPATETIC.

HIGH COURT—MADRAS.

MORGAN, C. J., INNES, KERNAN, AND KINDERSLEY, JJ.

Judge of Small Cause Court—Section 39, Part IV, Act X of 1870.

Where the question was referred whether a Judge appointed under Section 3 of Act X of 1870 had power under the Act or otherwise to award costs in respect of proceedings had before him under Section 39, Part IV of the Act—

HELD, *that the Judge had not power to award costs under Section 39, Part IV of the Act; and that the jurisdiction being of a special nature and exercised under a special enactment, must be strictly confined within the limits given by the statute.*

R. C. 72 of 1875.

E. V. V. Ramanjem Naidoo *v.* M. P. Rungiah Naidoo.

THIS was a special case, stated by Mr. T. M. Busteed, for the consideration of the Hon'ble the Judges of the High Court, in the following words:—

"This is an action upon a decision of mine under Act X of 1870, deciding that the defendant herein should pay to the plaintiff herein his costs of certain proceedings under the Act, and awarding a sum of Rupees 50 as and for such costs.

To this action the defendant has pleaded that my award of costs in such proceedings was *ultra vires*.

The decision under Act X of 1870 is Exhibit A in this action, of which a copy is sent herewith. I also send herewith a copy of the Record, which sets forth the plaint and judgment, &c., in this action.

Your lordships will observe that the proceedings marked Exhibit A were under Section 39, Act X of 1870, and that in awarding costs (para 15), I expressed a doubt as to my authority so to do. The fact is, I believe that I have not the power to award costs in respect of proceedings under Section 39, but to award them seemed to me the only way to raise the question. Having awarded the costs originally, I felt bound to give plaintiff a judgment for them in this action, making my judgment contingent upon the opinion of the High Court on a case to be stated under the provisions of Section 55, Act IX of 1850.

The right to recover costs being entirely the creature of statute, unless I can award them by virtue of the Act X of 1870 itself, or by virtue of the provisions of some other statute or Act applicable to the case, I have no power to award them.

I know of no other statute, or Act, different from Act X of 1870, whence the necessary power may be derived; and Act X of 1870 does not provide for costs in proceedings under Part IV.

Under Part III, which deals with the comparatively simple question of determining the amount of compensation, costs incident thereto are specifically provided for. Nowhere else in the Act are costs provided for.

It will be obvious that in apportioning the compensation (Section 39), most complicated and difficult questions may arise absolutely necessitating the very best professional assistance; yet if no costs can be awarded, parties successfully maintaining or defending their rights, must do so entirely at their own expense; and the usual safe-guard of having to pay costs being non-existent, honest and well founded rights are unfairly exposed to an additional risk of being groundlessly questioned and disputed.

The question which I beg to submit for your lordships' opinion is—

Whether the judge appointed under Section 3, Act X of 1870, to perform the functions of a judge under the said Act generally within the local limits of the ordinary original civil jurisdiction of the High Court of Madras, has power under the Act, or otherwise, to award costs in

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respect of proceedings had before him under Section 39 of the Act?"

The following is the record of the case referred to by Mr. Busteed.

Reference to Court under Sections 15 and 38 of the Act.

In the matter of Poosala Vencataramanjulu Naidoo and M. P. Rungiah Naidoo, persons interested in land declared to be needed for a public purpose, and making conflicting claims in respect thereof.

This matter coming on for hearing on the 25th day of February 1875 in presence of Mr. Miller, who appeared for Rungiah Naidoo, and of Mr. Wright, who appeared for P. Vencataramanjulu Naidoo, this Court doth find, determine, and decide as follows:—

That the title of each of the claimants is derived admittedly from the late East India Company.

That each claims the land in question by virtue of, or as appurtenant, or incident to, a grant or certificate from the East India Company, No. 5,671, dated 1st October 1804 (B is the "Certificate.")

That such "Certificate" does not comprise the land in question, and that it has never been in fact granted to the claimants or either of them, or to any one from whom they can make title to it.

That the land in question is known as "Excess land," and has for a number of years been in the possession and enjoyment of the persons in possession of the land held under the "Certificate" No. 5,671 aforesaid.

That it is a custom, though not invariably followed, to allow such "Excess land" when discovered to remain in the possession of the person lawfully in-possession of the contiguous land, subject to the payment of an additional proportional quit-rent.

That for the "Excess land" in question, the Deputy Collector of Madras representing the Revenue authorities, has ordered the issue of quit-rent bills in the name of the original grantee in the Certificate No. 5,671, and has done so, intending to surrender the rights of the Government, if any, to the land itself or its value; and that, as in these proceedings the Government claims no interest in the land beyond the quit-rent, this Court does not feel bound to enquire whether they have any, or whether they have validly surrendered such as they may have had.

That in 1865, the persons entitled to the land in the "Certificate" No. 5,671 comprised, were P. Vencataramanjulu Naidoo (one of the claimants), and one Balakistna Naidoo.

That in 1871, Rungiah Naidoo (the other claimant), purchased for Rupees 250 at a Sheriff's sale, under a decree of the High Court made in a suit in which one Chengulroy Naidoo as mortgagee or pawnee of the right and interest of P. Vencataramanjulu Naidoo in the land in said "Certificate" comprised was plaintiff, and the said P. Vencataramanjulu Naidoo was defendant, the right, title and interest of the said P. Vencataramanjulu Naidoo in an undivided moiety of the land in said "Certificate" comprised; and was on 20th June 1871 put in possession thereof by the Sheriff, under a writ of possession (C is the conveyance from the Sheriff; No. 1 is the writ of possession.)

That the said Rungiah Naidoo never obtained, and does not possess any certificate under Section 259, Act VIII of 1859, registered under the Registration Act.

That on or about 10th June 1871, the said Rungiah Naidoo purchased the right, title, and interest of the aforesaid Balakistna Naidoo in the other undivided moiety of the land in said "Certificate" comprised, and was put in possession thereof by the said Balakistna Naidoo, and so far as the said Balakistna Naidoo could do so, of the "Excess land" now in question as well; and said Balakistna Naidoo admits the right of said Rungiah Naidoo to such "Excess land" and declines to set up any title thereto as against him (D is the conveyance from Balakistna Naidoo.)

That subsequent to his application marked H, the said Rungiah Naidoo applied for a new "Certificate" not including the "Excess land," and obtained one accordingly, bearing date 30th September 1871. (No. 2 is the new Certificate.)

That the possession by said Rungiah Naidoo of the "Excess land" since 20th June 1871 is not inconsistent with P. Vencataramanjulu Naidoo's title thereto, inasmuch as he would be entitled to such possession as vendee of Balakistna Naidoo's undivided moiety thereof.

That such right, title, and interest as said P. Ventaramanjulu Naidoo had in the "Excess land" was never in point of fact sold or assigned to said Rungiah Naidoo, nor was legal possession under the writ of possession given in respect of any more land than that which was comprised in the "Certificate" No. 5,671, and that such estate as the said P. Vencataramanjulu Naidoo had in the "Excess land," has never been in any way divested.

That said Rungiah Naidoo as vendee of Balakistna Naidoo and said P. Vencataramanjulu Naidoo are each entitled to a moiety of the compensation which has been agreed upon by and between the Collector and the persons interested, as the proper amount for the land in question, and that the said Rungiah Naidoo is not entitled to the whole thereof as claimed by him.

This Court doth further order and decide, (though doubtful of its authority so to do) that the said Rungiah Naidoo do pay to the

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said P. Vencataramanjulu Naidoo the sum of Rupees 50, for and as his costs in respect of these proceedings. Given under my hand this 8th day of March 1875.

(Signed) T. M. BUSTEED,
Judge.

The High Court delivered the following

Judgment:—8th November 1875.

The question submitted is, whether the judge appointed under Section 8 of Act X of 1870 to perform the functions of a judge under the said Act generally within the local limits of the ordinary original jurisdiction of the High Court, has power under the Act or otherwise to award costs in respect of proceedings had before him under Section 39, Part IV (apportionment of compensation) of the Act.

The High Court (a majority) is of opinion that the Judge has not power to award costs in the case stated.

The jurisdiction being of a special nature, and exercised under a special enactment, must be strictly confined within the limits given by the statute.

HIGH COURT—BOMBAY.

[*Appellate Civil Jurisdiction.*]

WEST AND LARPENT, JJ.

Property of purchaser at revenue sale—Registration—Tender of Government rent by defaulter's mortgage—Collector's refusal to accept it.

The purchaser at a revenue sale, held in default of the payment of assessment, takes free of all incumbrances, although the revenue authorities, without otherwise depriving the defaulter of his right of occupancy, under Section 36 of the Bombay Survey Act I of 1865, *have only sold his right, title, and interest:* Abdul Gani *v.* Krishnaji Bhikaji (10, *Bom. H. C. Rep.*, 116) *and* Gundo Shiddeshvar *v.* Mardan Saheb (*Id. Ib.*, 419) *followed.*

What operates to create the property recognized as a right of occupancy is the revenue sale and the consequent entry of the occupant's name in the Collector's books. A memorandum, therefore, declaring a person to be the successful bidder at the sale is not an instrument creating or declaring an interest in immovable property and requiring registration under Section 18 *of Act XX of* 1866.

The Collector may be responsible to the mortgagee of a revenue defaulter for refusing to accept the tender made by him of the Government rent, but if he does refuse it, and the land is sold, the title of the purchaser is unimpeachable.

S. A. 73 *of* 1874.

Ghelabhai Bhikaridas *v.* Pranjivan Ichharam.

THIS was a special appeal from the decision of H. Birdwood, Acting Judge of the District of Surat, reversing the decree of Shivlal Nathubhai, Subordinate Judge at Aukleshwar.

The facts of the case are as follows:—

One Dildarkhan, the occupant of a Government piece of land, mortgaged it without possession to the defendant Ghelabhai first in 1863 and again in 1865. Dildarkhan having made default in the payment of the assessment due on the land, it was sold in 1867, and one Husain became the purchaser. He, too, made default, and the plaintiff Pranjivan purchased the land on the 23rd of March 1871.

In the meantime the defendant Ghelabhai in 1867 obtained a decree against his mortgagor, Dildarkhan, and Husain, and in execution of it attached the land and became a purchaser at the Court's sale in July 1871. Pranjivan, having unsuccessfully applied to remove the defendant's attachment, brought this suit in the Court of the Subordinate Judge of Aukleshwar.

The defendant answered that the plaintiff took the land subject to his mortgage lien, and that he had registered his certificate of sale, whereas the plaintiff had not registered the document which declared him to be the purchaser at the revenue sale.

The Subordinate Judge rejected the plaintiff's claim, and held that neither Husain nor Dildarkhan were actually deprived of their occupancy by the revenue officers, who simply sold such rights as they possessed, and placed the sale proceeds to their credit.

The District Judge in appeal reversed that decree, on the ground mainly that the defendant could not, under his purchase at the Court sale, oust the plaintiff.

The special appeal was heard by West and Larpent, JJ.

Chunilal Maneklal for special appellant:—The proclamation for sale issued by the Mamlatdar professed to sell only the right, title, and interest of the defaulter in the land in dispute. Under Section 36 of the Survey Act, the absolute right of occupancy might certainly have been sold; but as a matter of fact, it was not. The fact that the sale proceeds were credited to the defaulter's account shows this beyond doubt. The plaintiff, who is the purchaser of this interest, simply stands in the place of the defaulter; and the mortgagee defendant is, therefore, entitled to maintain his

possession till the satisfaction of his lien; *Abdul Gani* v. *Krishnaji Bhikaji*,* and *Gundo Shiddeshvar* v. *Mardan Saheb*,† follow *The Secretary of State* v. *The Bombay Landing and Shipping Company*.‡

That was a case on the Original Side applicable to the town and island of Bombay, and though the Regulations of 1827 have been referred to as authority for showing that land revenue has been made a charge upon land that is a mistake. Clause 3 of Section 5 of Regulation XVII of 1827 enacts: "In all cases the revenue of the year, if not otherwise discharged, shall be recoverable, in preference to all other claims, from the *crop* of the land assessed." At any rate the decided cases do not apply, as the absolute right of occupancy of the defaulter was never sold in this case.

The defendant's certificate of sale is registered and takes precedence over the unregistered memorandum of the plaintiff's sale.

The defendant as mortgagee had offered to pay the assessment due by his mortgagor, and the Collector was bound to receive it. The Courts below having refused to inquire into this matter, the case should at least be remanded.

Nagindas Tulsidas for the respondent:—Section 36 of the Survey Act of 1865 is imperative, and absolutely forfeits the right of occupancy on failure to pay the assessment. The Government have no power to deal with a defaulter in a different manner. The practice of crediting a defaulter with the sale proceeds is founded on expediency, see Government Resolution No. 1,170, of 12th March 1872, at page 113 of Nairne's Hand-Book. The cases cited by the appellant exactly resemble this case, and govern it. The plaintiff's right of occupancy was perfected by the sale itself and the registry of his name by the Collector. The document in which he was declared the highest bidder need not, therefore, be registered. As to the defendant's offer to pay the assessment, he did not ask for any issue.

Per Curiam:—We are of opinion that this case is substantially governed by the decisions in *Abdul Gani* v. *Khrishnaji Bhikaji* and *Gundo Shiddeshvar* v. *Mardan Saheb*. These establish that "the land revenue is the paramount charge on the land," and that by selling the occupancy right, the Collector, as the agent of Government, exercises at the moment of sale the right of forfeiture or deprivation vested in the revenue authorities by Section 36 of the Bombay Survey Act. The occupancy, which was taken as a conditional one, is thus brought to an end, and with it fall interests carved out of it.

It was argued, and with much ingenuity, by Mr. Chunilal, that albeit the revenue officers had the power to declare the occupancy rights of Husain forfeited, yet they did not in fact avail themselves of this power. They elected rather according to the rule prescribed by Government Resolution No. 1,170, dated 12th March 1872, to treat Husain's occupancy right as an existing property, and to sell it as such under the rules of Regulations XVII and IV of 1827. But having been sold as a subsisting property, it must be regarded, it was contended, as sold, subject, like other property, to all charges and liens legally created by the owner so as to effect it. It was further urged that only "the right, title, and interest of Husain were sold, not any absolute proprietorship. But when land becomes subject to sale in order to realize a paramount charge, all charges subsequently created must ordinarily be extinguished in order to give effect to the sale, and nothing has been pointed out to us in the rules made by Government under the Survey Act, or Regulation XVII of 1872, which indicates that any intention was ever entertained by Government of selling a defaulter's land subject to incumbrances created by him. Such a course would be in almost every case injurious either to the defaulter, or to Government, or to both, by the doubt it would create as to the title taken by the purchaser, and was, in all probability, never contemplated. The "*conditional* occupancy" fails when the property is sold, and having been essentially *conditional* all through, has made all subordinate rights, depending on it, conditional also. The notice follows the usual form of those prescribed by the Code of Civil Procedure and the forms based on it, but as these are held sufficient to give to the purchaser under a sale in execution of a decree on a mortgage a right dating back to a time prior to all subsequently created incumbrances, so the purchaser's right in this instance must date back to the beginning of the "conditional occupancy," Government's right to deal with which on a default arose at the same moment as Husain's tenancy.

As to the question of registration, we think that the document No. 3 is not an instrument which creates or declares an interest in immovable property within the meaning of Section 18 of Act XX of 1866. What operates to create the property recognized as a right of occupancy is the entry of the name of the occupant in the Collector's books. The revenue authorities can recognize no other, and what they have to deal with is solely the right of occupancy. The paper No. 3 is a mere memorandum from the Mamlatdar that Pranjivan has been the successful bidder at the auction. It does not, therefore, come into competition, under Section 50 of the Registration Act of 1866, with Ghelabhai's certificate as purchaser at an execution sale. Pranjivan's title had already been fully acquired, not by means of

* 10, Bom. H. C. Rep., 416.
† 10, Bom. H. C. Rep., 419.
‡ 5, Bom. H. C. Rep., 23 O. C.

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a conveyance or any other document passed to him, but by the revenue sale and consequent change of names in the *khata* or account, and by the effect given to this change by the law before Ghelabhai bought the conditional occupancy, which by the fulfilment of the condition of forfeiture had become extinct when he purchased.

But Ghelabhai, it is said, being mortgagee, tendered the Government rent of Husain's fields. If he did this in the proper way, the rent ought to have been received. The Subordinate Judge gave no finding on the point. The District Judge considered that it could not be raised unless the Collector were made a party. But Section 48 of the Survey Act directs that the dues leviable under it shall be collected according to the provisions of the Regulations, and Regulation XVII of 1827, Section 12, Clause 7, says that the Collector's order for the realization of the revenue shall occupy "in all respects the place of a judicial decree." This is sufficient to give to Pranjivan an unimpeachable title, although, if the Collector wrongly refused Ghelabhai's tender of the rent under circumstances which made it his duty to accept the tender, he may be responsible for the injury thus done to Ghelabhai.

For these reasons, we confirm the decree of the District Court with costs.—*Bombay High Court Reports*, Vol. XI, p. 218.

HER MAJESTY'S PRIVY COUNCIL.

[Bengal Case.]

Undivided Hindoo family—Mortgage by undivided member—Sale by widows—Rights of purchasers, mortgagees, and of surviving undivided members.

B. L., member of an undivided Hindoo family, died leaving two widows; subsequently these widows were sued for debts incurred by B. L. which were not for the benefit of the joint-family, and decrees were obtained against them. Further, in his life-time, B. L. had executed a mortgage of his share of the family property. B. L.'s nephew sued to recover from the purchasers and from the mortgagees, the property of his uncle. A Full Bench of the Calcutta High Court, to whom the Division Bench referred the matter, were of opinion that the nephew had a right to the property sold under the decrees against the widows; but that as to the mortgage, though B. L. had no power to mortgage his share without the consent of his family, yet, without a fuller knowledge of the facts of the case, they could not say that the nephew was entitled to recover without redeeming the mortgaged property.

Held, *that the decision of the Full Bench on the first point was correct; that there had been no real trial on the second point; that the facts being insufficiently found, no opinion should be pronounced on it; and that the judgment of the Division Bench, that B. L. had power to mortgage his share, must be reversed.*

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of *Mussumat Phoolbas Koonwur* and another v. *Lalla Jogeshur Sahoy* and others from the High Court of Judicature at Fort William in Bengal, delivered 1st February 1876.

Present.

Sir James W. Colvile.
Sir Montague Smith.
Sir John B. Byles.

The suit out of which this Appeal has arisen concerns a moiety of the undivided share of one Bhugwan Lall Sahoo, in certain immovable property situate in Zillah Sarun. Bhugwan Lall Sahoo, who died in 1860, was the member of a Hindoo family which was descended from a common ancestor named Deepa Sahoo, and was governed by the law of the Mitacshara, the general law of the province in which it was domiciled. He died childless, but left two widows, Moheshee and Parbuttee. They therefore would have been his general heirs had he been wholly separate in estate; and were in any case entitled to such part of his succession as had been acquired, or was held by him as separate estate. On the other hand, if the status of the family continued at the time of his death to be that of a joint and undivided Hindoo family, his interest in the joint family property survived to his male coparceners. The only persons who answered that description were Sudaburt Pershad, and the plaintiff Hurreenath Pershad. They, in some of the proceedings, are called his nephews, but according to the pedigree set out in the appellant's case, and apparently proved in the cause, they were his first cousins, the sons of two different uncles.

It must now be taken to have been conclusively determined that Bhugwan at the time of his death, though entitled to certain subsequent acquisitions as separate estate, was, as to all the properties acquired by the family in the name of any of its members before the year 1846, joint in estate with Sudaburt and Hurreenath, and accordingly that his share in those properties became vested by survivorship in them. This question was first litigated in a suit brought by Sudaburt in 1861. The principal defendants to that suit were the widows. The Judgment of the Zillah Judge, confirmed on appeal by the High Court, on the 10th March 1863, made the distinction above stated between the properties acquired before, and those acquired subsequently to 1846, affirming the title of the surviving male members of the joint family to the former. It unfortunately, however, happened that owing

either to the frame of this suit, or to the manner in which the decree made in it was executed, the result of this earlier litigation was only to put Sudaburt into possession of one moiety of Bhugwan's share in the joint family property.

Subsequently the remaining half-share of Bhugwan in portions of the joint family property appears to have been seized and sold in execution of various decrees obtained against his widows as his representatives. And on the 10th April 1865, the present suit was instituted by the mother and guardian of Hurreenath in order to recover possession, and to have his name entered as proprietor of his moiety of Bhugwan's share in the joint properties, and to cancel and set aside the execution sales under the decrees against the widows. The defendants to that suit were the widows, the different purchasers under the execution sales, and, under the description of "Precautionary defendants," the widow of another deceased member of the joint family, as to whom there is now no question, and Sudaburt Pershad, the plaintiff in the former suit. As such defendant Sudaburt filed the written statement at page 18 of the Record, in which he disclaimed all interest in the suit, on the ground that under the decree in his own suit he had been put in possession of his share in the property in dispute. The cause was tried between the plaintiff and the other defendants, and a decree was made by the Principal Sudr Ameen on the 9th April 1866, which, in so far as it related to the particular properties which are the subject of the present appeal, was in favour of the plaintiff. Against this decree the parties defendants, who were affected by it, appealed to the High Court. Their appeals were necessarily separate, inasmuch as the suit was so framed as to embrace interests, not only dependent on different titles, but confined to particular portions of the property in dispute. The High Court decided many of these appeals in favour of the defendants, upon grounds of which some will be afterwards considered. This appeal to Her Majesty in Council originally embraced only eleven of the separate decrees so made. And of these Mr. Cowie has given up one—viz., No. 237. Accordingly their lordships have now only to deal with the questions involved in the ten appeals, numbered respectively 178, 224, 235, 239, 244, 234, 243, 238, 240 and 245.

The course of proceeding in the High Court with respect to these appeals was as follows:— The Division Bench before which they came, conceiving that they involved points of law on which the authorities were conflicting, referred the following questions to the consideration of the full Bench:—

1. Bhugwan Lall, a member of a Hindoo family living under the Mitacshara law, and having joint family property, died entitled to an undivided share in such property, and leaving two widows him surviving. After the death of Bhugwan Lall, his widows were sued in their representative capacity in respect of debts incurred by him in his lifetime on his own account, and not for the benefit of the joint family, and decrees were obtained against the widows in that capacity. In execution of one or more of these decrees, an interest in certain portions of the joint family property, to the extent of the share to which Bhugwan Lall was entitled in his lifetime, has been sold by auction, and the purchasers have taken possession. Can the nephew of Bhugwan Lall, who is one of the surviving members of the joint family, recover from the purchasers possession of the interests which they have purchased, or any part of them?

2. Bhugwan Lall in his lifetime executed an ordinary zurpeshgee mortgage in respect of his undivided share in a portion of the joint family property, in order to raise money on his own account, and not for the benefit of the family. Can the nephew of Bhugwan Lall recover from the mortgagee, without redeeming the same, possession of the mortgaged share, or any portion of it?

The first of these questions the full Bench unanimously answered in the affirmative. The result of their opinions is thus expressed by the Chief Justice, Sir Barnes Peacock, at the close of his Judgment:—"I think, therefore, that this property, not being the property of the widows, and not being the property of the heirs of the deceased, could not be made available under the decree against the widows; that if it could be made available at all for payment of the debts of the deceased, it must be in a suit against the survivors to charge the share of the deceased in the joint estate with the payment of the decree, by suing the survivors for the debt, and asking to have the deceased's share of the estate made available in the hands of the survivors to the same extent as that to which it would have been made available if the deceased had left a son and the estate had gone to him by inheritance, instead of to the survivors by survivorship. I think, then, that the question must be answered in the affirmative; that plaintiff has a right to sue the purchaser under the decree to recover back the estate, inasmuch as the property belongs to him, and the title of the purchaser under the decree against the widows is an invalid title."

Upon the second and more difficult question the Chief Justice, after reviewing the authorities, came to the conclusion that, according to the law of the Mitakshara, as settled by authority in the Presidency of Bengal, Bhugwan Lall had no authority, without the consent of his cosharers, to mortgage his undivided share in the joint family property in order to raise money on

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his own account, and not for the benefit of the family. He further observed that the facts were not sufficiently stated to enable the full bench to say whether the nephew Bhugwan Lall could recover from the mortgagees, without redeeming the same, possession of the mortgaged share, or any portion of it. The other members of the full Bench also concurred in this opinion.

The appeals, the parties not consenting to have them decided by the full Bench, necessarily went back to the Division Bench, and were thus dealt with. Mr. Justice Markby, after going through the facts in each case, held that Nos. 170, 224, 235, 239, and 244, were wholly governed by the answer of the full Bench to the first question, inasmuch as in each the title of the appellant defendant depended entirely on the validity of his purchase at a sale had in execution of a decree against the widows, and was consequently defective.

In No. 243 it was alleged by the appellant that the property claimed, Mouzah Telpakhoord, was subject to a Zurpeshgee lease, executed by Mukhun Sahoo, a member of the joint family who predeceased Bhugwan Lall. Mr. Justice Markby, however (Record, p. 466), seems to have found that the title of the appellant did not depend on this alleged Zurpeshgee, from which he had been ousted, but on a purchase at a sale in execution of the decree which he had obtained against the widows; and consequently that this case was not distinguishable from No. 170.

In No. 234, however, the property in question was clearly subject to a subsisting Zurpeshgee lease, created by Bhugwan Lall; and in this case, therefore, there necessarily arose the further question, whether the plaintiff could recover this parcel of land without redeeming the mortgage on it. And the learned Judge, accepting, apparently against his own judgment, the principle affirmed by the answer of the full Bench to the second question, held that it would entitle him to do so. There remained three other cases, viz., Nos. 238, 240, and 245, which would have fallen into the first of the before-mentioned classes, if the learned Judge had not held, for reasons which will be presently considered, that the plaintiffs' claim in respect of them was barred by the one year's rule of limitation prescribed by the 246th section of Act VIII of 1859. If then the case had rested there, the result would have been a decree in favour of the plaintiff on all the appeals now in question, except the three last. Mr. Justice Markby however proceeded to lay down a principle which governed all the cases, and, as it seemed to him, justified in each, the dismissal as against the appellant of the plaintiffs' suit. That principle will be afterwards more fully stated and considered.

Mr. Justice Kemp, the other Judge of the Division Bench, concurred with Mr. Justice Markby on this last point, but expressed no opinion on the question of limitation which was raised in appeals Nos. 238, 240, and 245. A decree was accordingly made in favour of the parties appellant in each of the ten appeals. And this consolidated appeal is against those decrees.

Their lordships propose in the first instance to consider whether the appeals Nos. 238, 240, and 245 have been rightly disposed of on the ground of limitation. The facts proved are that in each of these cases the plaintiff through his guardian, preferred a claim to the property, when attached, under the 246th section of Act VIII of 1859; that that claim was rejected; and that the present suit was not brought within one year from the date of the order of rejection. This objection would have been fatal to the suit, had the party preferring the claim been an adult; and the only question to be determined was whether the plaintiff, being under the disability of infancy, could claim the benefit of the 11th section of Act XIV of 1859, which empowers him or his representative to bring a regular suit within the same time after the cessor of the disability as would otherwise have been allowed from the time when the cause of action accrued. This question, Mr. Justice Markby observed, involved several contested propositions, viz.:—

1. That Sections 11 and 12 of Act XIV of 1859 apply to Section 246 of Act VIII of 1859.
2. That the plaintiff is under disability within the meaning of these sections.
3. That the benefit of these sections applies as well to the period during which the disability continues, as to the period when the disability has ceased.

Upon the two first propositions, his opinion was in favour of the plaintiff; upon the third he held that whatever benefit the minor was to have, was to accrue to him not during the disability, but when the disability might cease; and accordingly that the present suit being brought by him, whilst still a minor through his guardian, must fail.

Upon the second of the propositions stated by Mr. Justice Markby, their lordships cannot see how, in face of the plain language of the 12th section, there can be any room for doubt.

Upon the first they also agree with the learned Judge that Sections 11 and 12 of Act XIV of 1859 do apply to the 246th section of the Act VIII of 1859.

The two Statutes were passed in the same year, the assent of the Governor-General being given to Act VIII on the 22nd March, to Act XIV on the 4th May 1859. The object of the first was to enact a general Code of Procedure for the Courts of Civil Judicature not established by Royal Charter. The object of the second was to establish a general Law of Limit-

ation in supersession both of the regulations which had governed those Courts, and of the English Statutes which had regulated the practice of the Courts established by Royal Charter. Looking to the fifth sub-section of the 1st section, and the 3rd and 11th sections of Act XIV of 1859, their lordships have no doubt that the intention of the Legislature was that the period of limitation resulting from the 246th section of Act VIII should in the case of a minor, be modified by the operation of the 11th section of Act XIV; and that this construction has obtained in the Courts of India appears from the case cited from the "Third Weekly Reporter," C. R., p. 8.

In coming to this conclusion, their lordships have not failed to consider the recent decision of this Board in the case of *Mohummud Behadoor Khan* v. *The Collector of Bareilly* (L. R., 1, Indian Cases, p. 167). That case, however, they think, is distinguishable from the present. It arose upon a very special Statute, and upon that ground the judgment rests. Their lordships there said: "It was argued that the clauses in the General Statute, Act XIV of 1859, relating to disabilities, might be imported into this Act, but this cannot properly be done. Act XIV is a Code of Limitation of general application. This Act is of a special kind, and does not admit of those enactments being annexed to it. And they proceeded to observe that the application of the Statute (if it did apply) would not assist the appellants, who would not even in that case have brought their suit in proper time.

This being so, the only other point to be considered on this question of limitation is whether the learned Judge was right in holding that an infant cannot, after the expiration of the year, bring a suit by his guardian whilst the disability of infancy continues. Their lordships cannot agree in this construction, which it would appear from the cases cited by Mr. Bell (*Ramchunder Roy* v. *Umbica Dossee*, 7, W. R., 161; *Ramghose* v. *Greedhur Ghose*, 14, W. R., 429; and *Suffuroonissa Bibee* v. *Noorul Hossein*, 17, W. R., 419) has not been accepted or followed by the Courts in India. It is unreasonable in itself, since it implies that the infant's claim, which is admittedly not barred, was asserted too soon rather than too late; and it cannot be the policy of the law to postpone the trial of claims. Again, to render such a construction imperative, the phraseology of the 11th section must be altered by making the words "after the disability shall have ceased" precede, instead of following, as they do, the words "within the same time." Their lordships are therefore of opinion that the plaintiff's suit is not open to the objection that, in so far as it concerns the properties in question in Nos. 238, 240, and 245, it has not been brought within the proper time.

The next point to be considered is whether the High Court was right in allowing all the ten appeals, and in dismissing the plaintiff's suit as to those portions of the joint family estate which were the subject of them, on the ground that the suit was wrongly framed.

It is to be observed that the objection taken by the Division Bench to the frame of the suit, assumes the correctness of the answer given by the full Bench to the second of the questions referred to it, and is in the nature of a corollary from the proposition therein affirmed. The learned Judges of the Division Bench argue that if it be true that a member of a joint and undivided Hindoo family cannot alienate his undivided share in the joint family property without the consent of his co-sharers, it follows that he cannot alone sue for his separate share. And they rely upon a decision in the "12th Weekly Reporter, page 83," in which it was ruled that two only of the members of a joint and undivided family could not sue to set aside a charge created by one member of the family, and to recover their particular shares in the property charged, but that the suit must be brought by or on behalf of all the members of the joint family. Their lordships do not mean in any way to impugn the authority of that case, or to dispute the general principle affirmed by it. They do not, however, think that the principle is applicable to the peculiar circumstances of, or ought to govern, the present case.

In this case Sudaburt, the only other member of this joint family, has, under the practice which was then allowed to prevail in the Courts of India, succeeded in recovering, and has been put into possession, of his share of the joint family property. He cannot be said to have any beneficial interest in respect of which he could now sue as plaintiff; and supposing him to have an interest, the present plaintiff has made him a party to this suit in the only way in which a person who is unwilling or unable to be joined as plaintiff can be brought before the Court, *i.e.*, by joining him as a defendant. In that character Sudaburt has disclaimed all interest in the subject matter of the litigation, alleging that he has already been put into possession of all to which he is entitled. Again, in most, if not all, of the appeals the title of the substantial defendants is founded on execution sales confined to that moiety of Bhugwan's share which, on a partition, would now fall to the plaintiff. The objection to the frame of the suit was not taken by the substantial defendants; it seems to have originated with the Judges of the Appellate Court. It is one of form rather than substance; for it cannot be said that if it does not prevail, the defendants (Sudaburt being a party to this litigation and admitting that he is in possession of his share in) can be harassed by any second

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suit. On the other hand, if the objection prevails, the defendants will remain in possession of property to which, after full trial, they have been found to have no title; and the plaintiff will be left to the chances of another suit, in which he may be met by objections well or ill-founded on the lapse of time, or the effect of the decrees under appeal as *res judicata*. Their lordships are of opinion that they ought not to allow the objection to prevail against the substantial justice of the case.

What has been said is sufficient to determine this appeal in favour of the appellant, so far as it relates to the decrees of the High Court in the nine appeals numbered respectively 170, 224, 235, 239, 243, 244, 238, 240, and 245.

There is, however, as has been already stated, a further question as to the appeal numbered 234, and at the hearing it occurred to their lordships, who have unfortunately to determine this appeal *ex parte*, that if the respondents had appeared, they might, without a cross appeal, have contested the correctness of the answers given by the full Bench to the questions referred to them, answers which are not in the form of a decree, or even of an interlocutory order. To the answer to the first question their lordships think no objections could have been urged successfully. The second question, however, involves a point of Hindoo law, upon which the authorities are not altogether consistent; nor are their lordships satisfied that the principle laid down by the full Bench would, if correct, govern this particular case, of which they will now proceed to examine the circumstances somewhat more in detail.

The property to which it relates is thus described in the Schedule to the Plaint at page 8 of the Record. The village is specified as Talmanpore Bhada in two kalums (items). The share of the joint family is stated to be one of ten annas and eight pie. Of this five annas and four pie are deducted as the share of Sudaburt Pershad, which reduces the share claimed by the plaintiff to five annas and four pie. The column of remarks contains the following statement: "This Mouzah was held in Zurpeshgee lease under a Zurpeshgee deed executed by Saligram Sahoy and Ramruchea Sahoy. It was sold at an auction on the 18th November 1862, and purchased by the defendant Bikramajeet Lall for three Rupees. The Zurpeshgee and lease are fit to be cancelled."

Bikramajeet Lall and another defendant were the appellants in No. 238, which seems to have covered the whole of the five annas and four pie share of Talmanpore Bhada with other portions of the property in dispute. From what has been stated above it follows that their title, resting as it does upon a purchase at a sale in execution of a decree against the widows, is defective; that the right of the plaintiff to impeach it is proved, and accordingly their appeal ought to have been dismissed. This, however, does not determine the rights of the plaintiff as against the Zurpeshgeedars. He may be entitled either to recover so much of the property as is covered by the Zurpeshgee by setting aside the Zurpeshgee lease, or merely to stand in the shoes of the nominal mortgagor. But the nature and extent of his right can only be determined in Appeal No. 234.

The appellants on that appeal were the original Zurpeshgeedars Saligram Sahoy, and Ramruchea Sahoy. The Zurpeshgee deed is at page 423 of the Record, and appears to have covered originally only 5 annas and 4 pie of the entire 16 annas of Mouzah Talmanpore Bhada. If then it be true that Sudaburt Pershad has succeeded in recovering one moiety of this, the subject of the dispute on this appeal is the remaining moiety or a 2 annas and 8 pie share. And this appears to have been the view of the High Court, for their decree on this appeal (see pp. 479-80) is limited to a 2 annas and 8 pie share. If on the other hand Sudaburt has not succeeded in his suit in setting aside the Zurpeshgee as against him, or in otherwise wresting possession of his share from the Zurpeshgeedars, it follows that the question of the validity of this Zurpeshgee remains to be determined between the latter on the one side, and him and the present plaintiff on the other.

The plaint in this suit alleged no special grounds for setting aside the Zurpeshgee of the 9th December 1859, and indeed contained no special mention of it. The written statement of the defendants Saligram and Ramruchea (p. 31) set up that deed, and insisted on their rights under it. But none of the issues are specially pointed to the validity of the deed. Nor do the judgment or the decree (p. 439) of the Principal Sudr Ameen deal with that question. All that they decide with respect to the share claimed in Talmanpore Bhada is that "plaintiff be put in possession thereof in the manner in which possession has been given by the decree of the 5th April 1862" (to Sudaburt.)

This reference to the suit of Sudaburt makes it material to consider whether there really was any adjudication upon this question in that suit. The suit, it will be remembered, involved the right of succession to the whole of the property of which Bhugwan Lall died possessed as between his widows and the surviving members of the joint family. The plaint which is set out at page 226 of this Record, contains no specific statement touching the Zurpeshgee deed of the 9th December, 1859, unless it be in the Schedule (at p. 231), where in the column of remarks it is said "the deed to the extent of plaintiff's share, ought to be amended." The judgment of the Zillah Judge (p. 55) put the share in Talmanpore Bhada into the first par-

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cel which it found to be joint family property. So far it affirmed the title of Sudaburt and Hurreenath, and negatived the title of the widows, to whatever interest in it belonged to Bhugwan Lall at the time of his death. But in answer to the 11th issue it expressly found (p. 571) that the deeds executed by Mukhum, Bhugwan, or the other partners were valid. The decree was a general decree for possession over the properties in the first list. The High Court, on appeal, simply affirmed this judgment and decree of the Zillah Court. Can it be said that this judgment and decree import any adjudication touching the invalidity of the deed of the 9th December 1859 as against the surviving members of the joint family, even if the plaintiff in this suit could claim the benefit of such an adjudication? The judgment, so far as it goes, is on the face of it the other way. The terms of the decree may import only that the plaintiff Sudaburt was, so far as his share was concerned, to be put into possession of the rights of Bhugwan. If in the execution of that decree, he has contrived, it may be wrongfully, to dispossess to the extent of his share, the Zurpeshgeedars, that circumstance cannot give title to the plaintiff.

Again, what has been found by the High Court with respect to this appeal? The answer of the full Bench expressly stated that the facts were not sufficiently stated to enable them to say whether the nephew of Bhugwan Lall could recover from the mortgagee, without redeeming the same, possession of the mortgaged share or any portion of it. That statement, taken in connection with the general principle affirmed by them, imports that there was no *constat* that the execution by Bhugwan of the deed was without the consent of his co-sharers, or not for the benefit of the family. Mr. Justice Markby (at p. 466) does not consider this latter question, but simply says "As no objection was made to the reference to the full Bench, I think we ought to accept its decision for the purposes of this case, and to hold that the appellants have failed to establish their title."

In these circumstances there appears to have been no real trial of the question between the plaintiff and the appellants in No. 234; and therefore, assuming the principle ennunciated by the full Bench in its answer to the second question to be strictly correct, their lordships do not feel themselves at liberty to reverse the decree in favour of the appellants, and to make a decree in favour of the plaintiff. This being so, they abstain from pronouncing any opinion upon the grave question of Hindoo law involved in the answer of the full Bench to the second point referred to them, a question which, the appeal coming on *ex parte*, could not be fully or properly argued before them. That question must continue to stand, as it now stands, upon the authorities unaffected by the judgment on this appeal.

Their lordships have felt some doubt as to the form of the order which ought to be made on appeal No. 234. The plaintiff has failed to establish his title to recover the land against the Zurpeshgeedars. He might, however, have established such a title even in this suit, had a proper issue been framed and determined. On the other hand, he has established his title to the property, subject to the Zurpeshgee. His rights may be prejudiced by the decree as it stands. The suit is an example of the inconvenience of embracing in one suit titles to various parcels of land, which, although having a common foundation, are different in many particulars, and are to be asserted against defendants having no common interest. Their lordships have come to the conclusion that the dismissal of the present suit against the appellants in No. 234 ought to stand, but that the decree of the High Court on that appeal ought to be varied by adding a declaration that it is to be without prejudice to the right of the plaintiff to recover the lands in question on satisfaction of the Zurpeshgee. This appeal, so far as it relates to No. 237 (the case given up by Mr. Cowie) must be dismissed, and the decree made by the High Court in that case affirmed. In the other nine cases, the decrees of the High Court must be reversed, and an order made, dismissing in each case the appeal to the High Court, with the costs of the appeal in that Court, and affirming the decree of the Principal Sudr Ameen as to the parcels of property which are the subjects of those appeals. The above will be the substance of the order which their lordships will humbly recommend Her Majesty to make.

Their lordships think that there should be no order as to the costs of this appeal.

CIRCULAR ORDER OF THE BOARD OF REVENUE.

No. I.

STANDING No. 379-6.

EXTRA TENTAGE.

Proceedings of the Board of Revenue, dated 31st January 1876, No. 279.

EXTRA tentage will not be allowed in any case for journeys by rail, nor, where no tents are carried, for marches by road, but mileage will be drawn at the following rates:—

G.O., dated 5th January 1876, No. 10, R. D.

	RS.	A.	P.
For journeys by rail ...	0	3	0
Do. by road ...	0	8	0

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The disallowance of extra tentage for marches by road without tents does not apply to Malabar and Canara, where the existing practice will continue in force.

2. In the matter of halts and of expeditious travelling by road, when tents are carried or sent out, extra tentage will be allowed under the present rules contained in Standing Orders $\frac{379}{1}$, $\frac{379}{4}$, and $\frac{379}{5}$. When extra tentage is claimed by distance, the necessity for rapid travelling should be explained, and the Board will decide with reference to the circumstances of each case whether speed was required in the interests of the public service.

OFFICIAL PAPER.

Fish-curing at Point Calimere, Tanjore District.

Proceedings of the Madras Government, Revenue Department, 14*th February* 1876.

Read the following Proceedings of the Board of Revenue, dated 7th December 1875, No. 3307:—

Read the following letter from H. S. THOMAS, Esq., Collector of Tanjore, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Vallam, 9th November 1875, No. 5137.

I have the honor to request the sanction of the Board of Revenue for making at Point Calimere an additional experimental enclosure for curing fish with salt supplied at the reduced price allowed in Board's Proceedings dated 26th August 1874, No. 2394.

2. One place was selected at Adrampatam by the Salt Deputy Collector when I was quite new to the district, and I believe the selection was the best one possible in regard to the number of fish there caught and the number of fish-curers, and I would not repent of it; but I am anxious, if permitted, to have another experimental enclosure at Calimere, because Calimere has certain special advantages peculiar to itself.

(1.) It is immediately connected with Trichinopoly and the interior generally by rail and canal, so that both edible salt-fish and fish-manure, of which I shall speak below, can be cheaply sent to market, and the market is calculated to be a large one.

(2.) It is close to the Vedarniem salt swamp, so that we can supply for this curing the spontaneous salt, which is the cheapest we make, and which will thus be insured an increased local market.

(3.) It is a more accessible place for my own inspection than Adrampatam, for I have a house on the spot and can quickly reach it by rail and canal, and might perhaps be able to give the curers some hints as well as see what they were doing.

3. Though there may be more fish caught at Adrampatam, still the takes at Calimere are by no means small, for I myself saw a whole fleet of boats out fishing. Small sailing vessels coming in full of the *Polynemus Indicus*, Shaw (*Anglice*, Roe Ball and sometimes Salmon Fish), a good firm fish of ordinarily three feet in length, which were being unloaded and carried off in cart-loads. The fishermen and merchants were very anxious to have the same salt privileges as Adrampatam, and pressed me about it repeatedly. As they are so close to the spontaneous salt swamp, it is all the more advisable to remove the temptation to steal that salt by placing within their reach a legitimate method of getting salt cheaply.

4. I find that salt-fish are sold in the town of Tanjore which have come all the way from Beypore by rail. It is very unjust to our fishermen that they should be beaten in the competition by fish brought from such a great distance. It is hard on the consumer, too, that he should have to pay for the carriage of it from the other coast when he might be more cheaply supplied by rail from Negapatam.

5. I hope, therefore, that the Board will be pleased to sanction the accompanying estimates for forming an enclosure at Point Calimere for fish-curing and for the requisite police guards for watching the same.

6. While on the subject of edible salt-fish, I would bring forward the concomitant subject of fish-manure. The fish caught out at sea, where the fleets stay for a week or thereabouts, are cleaned on board, and the offal, which amounts to I am afraid to say how many tons, is thrown overboard and wasted, whereas, if it were salted, it would make a valuable manure, and would, I think, command a good market on the Nilgiris, the soil of which is particularly deficient in salt, so that it would be a great boon to the coffee planters, who, I am told, would gladly give Rupees 25 a ton for fish-manure delivered at Mettapolliem, and I am hopeful that it can be there delivered at something very much below that figure.

7. To give pure salt at the reduced price for use outside the enclosure would, of course, be dangerous to the monopoly. I would propose, therefore, that any salt mixed in at least equal proportions with ashes, bone-dust, lime, or anything that will render it unfit for human

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food, or, so to speak, methylate it, might be carried outside the enclosures to be used on boardship.

8. If it will be no loss to Government to give the salt for curing purposes at the rates now allowed, it will be no loss to give it also for manuring purposes, and it is obvious that the larger the scale on which the experiment can be worked, the better will it be for Government, which has to keep up a Police guard, and the better for the curer who can work two trades as easily as one. And, if it will be profitable with the manufactured salt, much more will it be likely to be so with the cheaper spontaneous salt.

9. If this concession be allowed, the procedure will be as follows:—

(1.) The merchants will as now buy at monopoly price, and take out with them to their fishing grounds enough of good edible salt to keep their fish from decomposition between the fishing grounds and the shore and enclosures.

(2.) They will also bring to the enclosure before starting out fishing as much ash, lime, or bone-dust as they want salt; and, the two being there well mixed in equal proportions, they will be charged for this salt at the reduced price only, and will, after the mixture, be allowed to take it out to their fishing grounds, and, their fish offal being well treated with this mixture on boardship, will be ready for market directly they land.

(3.) Their partially-cured fish will come to the enclosure, and be there thoroughly well salted with salt supplied at the reduced price.

10. I may here remark that the salt bought at monopoly price and taken on boardship was very inadequate in quantity, for the fish were most offensive and alive with well-grown maggots. The excuse was that the salt was dear. Perhaps this state of things may mend when the merchants have before them the prospect of a thorough good salting in the enclosures and a good market afterwards; they promised me it should, but, if it does not, it may become a subject for consideration hereafter whether fly-blown fish should be admitted to the enclosures at all. I shall watch this point.

11. Other points also occur to me which it would be premature to detail at present, but they are reasons why I should like to have an enclosure at a point within reach of my own inspection more than once in the year, for Adrampatam is so far off that I could not hope to visit it oftener than once a year at most if so much.

ENCLOSURES Nos. 1 and 2.—Estimates.

Submitted for the orders of Government.

2. The Board support Mr. Thomas's application for permission to open an additional experimental fish-curing enclosure at Point Calimere, and request sanction for the proposed outlay in connection therewith, *viz.*, Rupees 670, in addition to the cost of the necessary Police guard estimated at Rupees 40 per mensem. The charge can be met from savings in the Salt grant.

3. As regards Mr. Thomas's proposal to allow the issue of salt at the reduced rate for the purpose of converting the offal into fish-manure, provided the salt is rendered unfit for human food before its removal from the salting yard, the Board are by no means sanguine of the success of the experiment, but think that permission should be given for a trial, due care being taken to prevent fraud, and attention being paid to sanitation in the preparation and transport of the manure.

(A true Copy and Extract.)

(Signed) C. A. GALTON,

Acting Sub-Secretary.

Order thereon, 14th February 1876, No. 206.

The Government sanction the opening of an additional experimental enclosure for curing fish at Point Calimere. The estimated charge connected therewith of Rupees 670, and the cost of the necessary Police guard, will be met from the source pointed out by the Board of Revenue.

2. The Government are not prepared to sanction an extension of the concession made in respect of salt sold for curing fish to Mr. Thomas's proposal concerning fish-manure for agricultural purposes. It is very doubtful whether any agricultural manure could bear the cost of transit by rail from Negapatam to Mettapoliem, and if there be a demand for manure of the kind proposed, it should be prepared on the west coast for plantations on that side of India, as there is no lack of material on that coast. Further, the object of the concession in favor of fish-curing being to provide wholesome food, that object will be best served by the offal being got rid of at sea so as to preserve the useful part of the fish. Its retention for removal on shore for purposes of manure might lead to the deterioration of the fish as food.

(True Extract.)

(Signed) D. F. CARMICHAEL,

Secretary to Government.

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MISCELLANEOUS.

THE PRINCE OF WALES IN INDIA.

MADRAS, *December* 16.

AT dawn the Prince was stirring, and soon after 5 o'clock turned out with his *suite* to enjoy a run with the hounds. The ground was heavy from the rain the night before, and several showers fell during the morning, but the sport was good and His Royal Highness was greatly pleased with his first day's hunting in India. The Master is an old M.F.H.,* well known to the Pytchley, and in the huntsman the Prince recognised one whom he had seen in the Sandringham country, and with whom he had hunted in Russia.

In addition to the sentries of the Governor's Body Guard pacing up and down the colonnade in front of Government House this forenoon, and the usual gathering of scarlet-coated and turbaned servants, there were some strange groups of people loitering about the entrance. Some were squatted on the grass keeping watch over very mouldy-looking bundles and small baskets, others had not even so much property; but there was one very brilliant exception to the squalid lot, who might be mistaken for mendicants waiting for alms. Two lads with high head-dresses of tinsel and robes of very bright red and gold stood with bows and arrows in their hands apart, attended by several natives. Their faces were decorated with unusual caste markings on the nose, and with painted curled moustaches. The dresses in which they were clad resembled those in which the Incas are depicted in Kingston's book, and there was a vague Mexican impression produced by the character of the headgear and the cut of their ancient robes.

Mr. Minchin, who had brought these boys down from his works to perform before the Prince, told me they belonged to a very ancient race called Uryas, celebrated as warriors in former days. The lads were engaged in his village, and in his sugar works. It is the custom of the young people when their tasks are done in the evening to put on these curious garments and play for the amusement of the villagers some part of the great Epic "Ramayanam," by Valuniki, which gives the history of the war between Rama and Ravana, the Demon King. Rama exiled by his father, is followed to his asylum in the woods by Sita, his wife, and Lutchman, his brother. Ravana, King of Lanka (Ceylon), a land of demons, seizes Sita and carries her off, but Rama and Lutchman pursue and rescue her and destroy the demons and their king. Sita was represented by a wooden figure of the size of life, carved with great elegance from a single block, and painted of a light colour something intermediate between the hue of a Cashmere woman and that of a European, which was offered to and accepted by the Prince, and will be sent home to England. This figure was placed between Rama and his brother, who with bent bows stood ready to protect Sita, and on their right stood the Demon King, a horrible work of painted wood. A reciter and a musician stood behind the group. The performance began by a wailing sort of song, to the music of which Rama and Luchman kept time with their feet, moving round in small circles, and the Demon King nodded his wooden head in a very quaint and amusing fashion; but, whatever attractions the play might have had for a great scholar or for a native audience, it certainly hung fire after a quarter of an hour or so, and seemed a puerile entertainment to which an absurd character was given by the unchanging face of Sita. The voices of the boys were sweet and their movements most graceful, and when they were told they might cut the play short, a look of surprise and perhaps chagrin stole over their faces, as they were probably accustomed to go on to the end of their story. Next there was a display of jugglery. Although the Prince saw snake charmers and jugglers at Bombay, he was scarcely prepared for the clever exhibition in the hall of Government House, Madras. The Indian juggler has no elaborate apparatus of furniture, tables, and chairs, and no such confederate in his tricks as the ornamental attendant or the man in the crowd who comes to the front on demand in London. At the utmost he has a withered old ragged scarecrow like himself to assist in his deceptions, but he generally is alone. He is all but naked; there is a dirty cloth round his loins and a cotton rag over his shoulders, and his whole stock in trade consists of a little stick, an earthenware vessel and a few baskets. He can hide nothing, for he has no place to put anything in, but he is among the first performers of the art in the world, and it certainly contributes to the effect of his wonders that they are done without any suspicious surroundings. The Prince sat down in the entrance-hall close to the steps. The Duke sat beside him, and Lady Anna Gore Langton and His Grace's daughters and nieces and the members of the *suites* and Staff witnessed the performances, which were directed by Ramchandre Rao, Commissary of Police, one of the most clever and thorough-going Brahmins I have yet met in India. First Madhar Sahib squatted down before the Prince and put down a small basket on the carpet about the size of those in which a lady would carry Berlin wool. It was empty, of course. Madhar Sahib was almost undressed—his arms were quite bare. He turned his basket down and chattered at it—then turned it over, and lo! there was an egg

* Our Native Friends may like to know that M. F. H. stand for Master of Fox Hounds.

on the carpet which was handed round to be looked at. Then he put the casket over the egg and chatted at it again, turned it over, and lo! out walked a pretty pigeon, so tame that it let itself be caught by hand. Next Madhar produced another egg from beneath the basket, and then placed it under the basket—any one could see that the latter was a thin frail composition without cover or false bottom. Then, after incantations, he raised the basket, and out strutted the first pigeon and another exactly like it, and went pouting over to the spectators. Other things did Madhar Sahib, but none so striking, for peas under a thimble have before now exercised the finest intellects and baffled the greatest intelligences in England. Poolee, who came next, I think, was a performer of extraordinary merit. After some tricks of no great novelty, but executed with much neatness, he converted himself into a magazine of horrors; took live scorpions, which he handled with impunity, out of his mouth; spat out stones as large as plums one after the other, or shoved them between his lips and swallowed them; then evolved from depths unknown a carpenter's shop, full of nails, large and small, and coils of string, till there was a pile of his products before the Prince. After him came Kamatchee, a strong-limbed and rather comely young woman, who began her performance by taking up a handful of dust from the roadway, which she piled up in a conical heap on the carpet before the Prince. Into this heap she stuck two pieces of wire or long needles. She then squatted down, took her right big toe in her left hand and twisted her leg over her head, and repeated the feat with her left leg and her right hand. Next she stood upright with her heels to the little heap of dust, and gradually twisted herself back till she could put her hands on the ground, and then, bending right over the heap, brought down her face lower and lower till her eyes were close to the needles, which, literally in the twinkling of an eye, were caught up by her eyelids! She took the needles out, showed them to the company, and salaamed. Two very curious people next made their appearance, simple, but, as it proved, hard-headed peasants, named Syed Khadir and Momee Sawmy. Their stock-in-trade consisted of a few cocoanuts. These were handed round to the company to examine. Then Syed took up one, threw it up in the air, and as it fell met it with the top of his naked skull, whereupon the cocoanut flew in pieces with a loud report, scattering the milk all over the place. Momee did the same, and several nuts were thus brought to ruin on their skulls. To my great comfort, a small relative of these gentlemen picked up the fragments and put them in a small bag for home use. Valoyoodhum, Syed Cassim, and Imam Sahib then exhibited their powers as snake charmers, and no less than seven cobras, several of the very largest size, were at one time dancing with furious eye and hissing tongue to the tootlings of the gourd within a few inches of the company, and a ragged little girl, taking a rock snake by the tail, twisted it round her neck, and at once demanded *baksheesh*, or its Tamil equivalent, from the Prince. The snakes were, of course, deprived of their fangs; but it was not quite comfortable, all the same, for of the malice and desire to kill of the cobras there could be no doubt, and they struck again and again at the arms and legs of their charmers. Imam Sahib did the mango-tree trick better than I have ever seen it, and I am bound to add that a much dirtier, more ragged, and miserable old scarecrow I never beheld, so that growing mangoes does not appear to be a good trade. It is too well known to need any description. Vencatamoodoo and Mauree, who followed, were spinners of salvers, and did whatever they pleased with flat metal dishes; but Vencatamoodoo, with knives and balls, was a marvel of dexterity, and quite surpassed the grand operator of my youth, Ramo Samee, in ease and terrible rapidity. It was intended to close up *with* Ghoodoo's exhibition of the basket trick. The young woman was there, and the fatal noose was already thrown over her, when time was called, but Ghoodoo performed next morning, and was, I am told, quite admirable. The girl, bound hand and foot, was forced into a shallow basket, into which she was compressed with difficulty. Then a lid was placed upon the basket, and Ghoodoo proceeded to inveigh against the girl in no measured terms, as if he were a counsel in the Divorce Court, and finally, in a rage, leaped on the basket lid and crushed it in, then trampled on it—mind, it rested on the floor—then, seizing a sword, thrust it down and through the basket again and again, and pretended to gloat over the blood on the blade. But a sharp-eyed lady, who did not permit her attention to be diverted for a moment, saw the girl glide like a shadow out of the basket when the eyes of the audience were turned on a little child, whom Ghoodoo seized among the crowd of natives, and pretended to behead with his sword for some complicity with the woman in bonds. At all events the trick was done so well that the spectators could scarcely credit their senses when they saw that the basket was quite empty.

"Quidquid delirant *Rajahs* plectuntur"—the ryots. And it would seem to be very much their way to indulge in mad expenditure, just as if they belonged to a class of characters to be found in old playbooks, and described in the *dramatis personæ* as "foolish lords," of whom some rare specimens are still extant at home. One glorious and radiant Rajah whom we saw down south (and who shall be nameless) was

for all his glory and radiancy a very miserable Rajah. As he was hopelessly impecunious, the Government had deprived him of the honours of a salute, and he went about joyless and gunless, although Solomon could not have been more splendid in brocade and gems. But that was not all. In order to appear in these braveries, the Rajah had made enormous sacrifices, for in former days he had been obliged to pledge his diamonds and pearls and rubies of great price, and the Jews fleeced him fearfully when he went to them for money to release his portable property on the occasion of the Prince's visit. This Rajah had an income of some £10,000 a year; his debts are said to amount to £200,000, but he cannot be sold up as he has Treaty Rights with the Government; his ancestors did ours good service when service was sorely needed, and we were obliged for help even at the hands of robber chiefs. I was in a jeweller's shop yesterday when there came in a chief, whose rolling gait and hot eye indicated recent indulgence in some sort of stimulant. He was a tall and not bad-looking man, though with a protuberant under lip, teeth discoloured by betel chewing, and unshaven chin and cheeks; a sky-blue satin tunic, laced with gold, hung loosely on his shoulders, and a cummerbund was bound over his white calico drawers—which were not so very white—and round his neck he wore rows of fine pearls, and diamonds hung from his ears beneath a turban of brocade, old and not well rolled. After him were some half-dozen followers—a wretched old man with an enormous beadle's staff covered with gold, who was dressed like a coolie; a dandy, who had dyed his beard and moustache a rich scarlet, and whose tawdry overcoat was not in harmony with his new turban and rich silk drawers; and four other gentlemen of his suite in various stages of déshabille, who spread all over the shop or congregated round their lord when he called attention to any particular object. He wanted apparently to buy everything, including the cases in which the articles were shown, but he had the wit not to give the price that was demanded. For a metal cast of our old friend the Cavalier he gave £4, and he was much taken with its fellow, the Trumpeter, and would probably add it to his collection, but the strange part of the business was that he did not like to pay for anything. A gentleman long established in business here, who made a fortune where others failed, explained his way of dealing to an inquiring friend—"When a Rajah comes into my shop, I always ask him double the value, and insist on one-half of the price being paid on the spot. I manage to get on pretty well in consequence." From all sides come stories of the improvidence of the Native Princes; but for my own part I think much of the extravagance is due to their position and to the habits which are forced upon them. What can a young Native nobleman do? He cannot enter the Army; he is precluded from any participation in the higher offices of Government. The pursuits which absorb the energies of our gentry are unknown to him. Many of them are keen sportsmen and love tiger shooting passionately; but the tiger districts are becoming narrower every day. Those who have tried the Turf have done no better than the majority of their equals in England. While however, many are wasting their substance and ruining their families and fortunes, others are trying to re-establish fallen houses or to gain new honours. It is quite true that a great number of the Princes who have flocked to welcome the Heir to the Throne belong to recently-created dynasties, and cannot pretend to vie in length of descent with him whom they have come to honour, but in very many cases they belong to well-known families, and can trace their ancestry a long way back, and they are only too fond of the study.

Madras had few great Chiefs to show, but they were all interesting. The question of return visits is better understood by European officials than by Asiatic nobles. Some of the latter lay claim to the honour, although they might on reflection see that their claims are inadmissible, but the Prince of Wales has endeavoured to meet the wishes of Native dignitaries as far as possible, and even to strain a point to save them chagrin. The Princess of Tanjore is a distinguished lady, belonging to the family of the great Sivajee, the founder of the Mahratta Empire (who is erroneously spoken of as a mere adventurer and nobody; he was a member of a very ancient family), and it created some irritation that her salute of guns was forgotten in the absorption caused by the Prince's arrival; but, *en revanche*, her master of the ceremonies omitted to make a formal request for permission to visit the Prince and to take his pleasure as to the time. It is understood that Her Highness is very anxious to secure the title of Rajah for her husband, and nothing that can be said, or written, or done, can prevent the people of India, high and low, supposing that the Prince of Wales possesses unlimited power. When the Princess came to Government House the other day to see His Royal Highness, she departed from the usages of Mahratta widows, and acted as if she were a Mahomedan. It has been the custom of widows of Mahratta Princes to receive and pay visits to high officials without any of the restrictions the Princess or Maharanee of Tanjore considered necessary on meeting the Prince. She sat with the ladies of the Duke of Buckingham's family in a room, part of which was screened off, and into this the Prince was shown. He could put out his hand, but he could not see, or it was supposed he could not see the Princess's face. She grasped his hand very warmly, and expressed

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her pleasure at the arrival of the Prince in Madras. Major Henderson, who acted as interpreter, knowing the Princess could speak a little English, requested her to speak in that language, whereupon, with a little laugh, she said, "I am glad to see my Royal Brother," and her Highness asked after "The Queen, my Royal Sister," in right regal fashion.

The name and title of the Maharajah of Travancore are Sri Padmanabha Dass Vanjee Bala Rama Varma Kulashekara Kiritapati Munnee Sultan Maharaj Raja Rama Raja Bahadoor and Shamsher Jung, K.G.,G.S.I. He is of the Kshatrya caste, 44 years of age (looks nearly 60), writes and speaks English with fluency, in addition to Mahratta, Tamil, Hindustani, and Telugu, is a good Sanscrit scholar, and much given to literary discussion with pundits, is fond of music, in which he excels, is an admirable man of business, very punctual and exact, fond of science, and profoundly attached to his own faith. He stammers in his speech at times, but his manners are easy and agreeable, as becomes one who claims an ancestry that dates from 600 A.D. In 350 A.D. a colony of Syrian Christians settled on the coast of Travancore, and the Jews found their way thither still earlier, but it was not till 1684 the English obtained leave to erect a factory. The State covers an area of 6,653 square miles, and contains a population of 2,310,000 souls. The annual subsidy to the British Government, fixed by Treaty, is £81,000 per annum. It is a model Native State, and the present Dewan, a schoolfellow of Sir Madhava Rao, is a man of great intelligence and ability.

The Rajah of Cochin is a tall, stout man of 40, who walks with difficulty and has the air of an invalid. He is of the Kshatrya caste, and is descended from a Viceroy of the Chola Kings, who ruled in the ninth centry. He does not speak English, but he is a thorough Sanscrit scholar, and is well acquainted with Native literature. The State, which contains a population of 600,000, and covers an area of 1,360 square miles, is in subsidiary alliance with the British Government, and pays a tribute of £20,000 a year.

His Excellency Rajah Ramachundra Tondiman Bahadoor of Putukottai, or Puddacottah, is a small, stout man of 46. He speaks English and a little French, as well as Telugu, Tamil, Hindustani, and Mahratta; is a Sudra by caste of the tribe of the Kallar (called "Colleries" by Orme). His State, with the administration of which he has little or nothing to do, covers 1,380 square miles, and has a population of 320,000. There are 3,000 tanks, some of great size. One peculiarity of the State is that it has no Treaty with the British Government, is exempt from tribute, and has independent Courts of Justice.

Among the many interesting offerings to the Prince at Madras must be specially mentioned an account of the Danish Protestant Mission, Tranquebar, by the Rev. C. E. Kennet, with an autograph letter of George I (December 22, 1719—January 3, 1720) from St. James's, addressed to Bartholomeo Ziegenbalg and Johann Ernest Goundler, Missionaries, Tranquebar, offered by the Rev. I. Schwarz, of the Lutheran Mission, Tranquebar, for the acceptance of His Royal Highness. The Princess of Wales will, no doubt, be glad to learn that in this distant land her countrymen can tell her husband that Denmark was the first Protestant country in Europe which carried out a mission for the evangelization of India, in the reign of Frederick IV, in 1705. The Ziegenbalg who is named above, visited England on his return from India in 1714, and the Prince and Princess of Wales of the day received him most courteously and promised him every help.

THE RECEPTION AT CALCUTTA.

CALCUTTA, *December 24.*

The reception of the great Chiefs by the Prince at Government House to-day, although accounted "private," was a very stately ceremonial, and was conducted with much official care and pomp. The Government House lends itself well to such an occasion. The throne is placed exactly opposite the entrance. Towards one end of the Throne-room a row of pillars forms a kind of ante-chamber to the suite beyond. On the wall, over a sofa in this recess, is a full length portrait of "Major-General the Hon. Arthur Wellesley, 1803"—an unmistakable likeness as to the face, but, it is to be hoped, not equally accurate as to the legs, which are drawn after a very feeble type, with bad boots and large feet. Very good portraits (full length) of George III. and Queen Caroline adorn the wall at the sides of the throne, and at the end of the room, facing the Wellington, is an abominable painting of the Queen in her robes, by Sir George Hayter. These rooms and the pillars are of the peculiar Indian cement called chunam, which, when well made and polished, is whiter than the finest marble. The floors are marble; the ceilings beautifully decorated.

On the gravel carriage drive facing the steps a Guard of Honour of the 109th Regiment, with colours, &c., was drawn up at 10 o'clock. The Viceroy's band was stationed on the landing in front of the portico. Between the columns in the Grand Hall troopers of the Viceroy's Body Guard of extraordinary stature were drawn up. They wear scarlet tunics with yellow facings, cummerbunds of the same, jack-boots, and a quaint turban, which I am not quite sure about liking altogether. Mace-bearers and janitors, in the handsome liveries of the Crown, bearing chotas and silver maces, were stationed

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at the entrances of the rooms and inside the Throne-room, one of whom, by-the-by, made a sensation by letting fall an enormous silver staff, surmounted by a crown, with a clang that attracted attention at an idle moment. Well, the general effect must have been very good, although the Rajahs were, no doubt, a little puzzled when they raised their eyes and saw the throne was vacant. It has already been observed that the Prince does not sit in any of the numerous thrones prepared for him, or that he avoids doing so as much as he can.

About 10-30 the Maharajah of Puttiala's approach was announced by the salute. The Maharajah of Puttiala is son of the man who did England good service in the time when the road between Delhi and the Punjab was one of vital importance, by keeping it clear and helping us in a most substantial fashion. He is about 30 years of age, and rather a fine-looking man. A very clever Oriental milliner and an experienced jeweller combined might give an idea of the splendour of these Chiefs in dress and ornaments. Puttiala, however, was not one of the finest by any means, and yet he was, as a friend of mine said, "like a flash of lightning in Storr and Mortimer's." As he was led tenderly by the hand of Major Henderson, his eye rested on the throne at the end with some wonder, but he looked pleased and puzzled when, on entering the Throne-room, he saw ranged up in line, hitherto hidden by the columns, Lord A. Paget, Lord Suffield, General Probyn, General S. Browne, Colonel Ellis, Canon Duckworth, Surgeon-General Fayrer, Lord Aylesford, Major Bradford, Captain Deane (Adjutant Governor-General's Body Guard), and Mr. F. Knollys, and, turning to the left, was able to catch a glimpse of the Prince of Wales, waiting to receive him. The Duke of Sutherland and Sir Bartle Frere were in the room with His Royal Highness. The Maharajah made a very low and yet dignified salaam to the Prince, who bowed, took his hand, and led him to the sofa at the feet of Wellington, where he took his place with the Maharajah on his left, the Political Officer (Tupper) being next the Maharajah to interpret. The conversation lasted eight or ten minutes, and the Prince referred in it to the services of Puttiala in 1857. Meanwhile, the Sirdars following the Maharajah had been shown to seats in the Throne-room, and were engaged in conversation with General Probyn, Major Bradford, and others who could talk with them; but it was quite clear from their eager looks towards the end of the room that they were not in the least interested by the *dii minores*, and only wanted to see the Prince. This great pleasure and honour they had perhaps abandoned, when Major Ewan Smith came from the envied circle and announced the pleasure of the Prince of Wales that the Sirdars should be presented to him. They arose, each sword in hand, and advanced towards the pillars, where they were, one by one, presented to the Prince by the Maharajah, made a pretence of giving nuzzurs, and were happy. The Maharajah received a gold medal, and when he was led back to the end of the carpet, figuratively speaking, he was evidently in very good humour.

Scarcely had the clatter of Puttiala's horse-hoofs died away ere the guns announced the Maharajah Holkar of Indore, G. C. S. I. His Highness is a very tall, large man, with aldermanic developments—at least, such as were attributed to Aldermen before they took to volunteering and athletic exercises. He walked into the Throne-room, conducted by Major Henderson and the Political Agent (Maitland), in a very regal manner, rolling a little from side to side, and just touching his forehead slightly to the suite. His two sons and his clever Dewan, Ragonath Rao (nephew of Sir Madhava Rao), and a train of Sirdars took their seats with the suite. It is said the Maharajah of Indore is desirous of some of Kandeish; but he is clever enough to be aware that the Prince of Wales cannot interfere in these questions. He received the gold medal and riband, introduced his sons and Sirdars, and left with a cheerful countenance. Holkar is very proud and punctilious, and there have been difficulties, it is said, about his precedence, so great that the arrangements for a meeting here were attended with trouble. A certain interest is attached to Holkar's personal property, because of reports that he has a little treasury of five millions sterling stored up for a rainy day. The Maharajah of Jodhpoor came next—a most picturesque and wondrously eccentric-looking chief, followed by a splendid Sirdaree. His yellow head-dress, bound by cloth of gold round his brow, displayed an aigrette of diamonds and rubies of great beauty. What wealth of gems glittered all over his neck and breast, I cannot describe. Small, well-cut features, a very bright eye, and whiskers and moustache and beard black and bristling, brushed upwards, gave him, at first sight, a fierce look, of which the sad, proud aspect of his face, on closer scrutiny, changed the character. But proud he is beyond the pride of the proudest, and it is related of him once that at a durbar, where chairs were placed for himself and the Maharajah of Oodeypoor and another Chief, he exclaimed, "Let Oodeypoor take which he pleases; I shall sit above him." The many-folded petticoats worn by the Maharajah were like the Albanian fustanelle, but descended nearly to his heels, and reminded one of the dresses of the dervishes. The petticoats were, however, looped up by a thick circular girdle, a roll of cloth of gold, which hung from the waist and gathered in his dress behind below the knees. His Sirdars were attired in a similar way, and seemed to be very

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pleasant, agreeable gentlemen; and they all went away in very good humour.

The Maharajah of Jeypoor, who drove up in a handsome carriage, drawn by four white horses covered with trappings of cloth of gold, has the reputation of being one of the most enlightened of Indian potentates. He has suffered from a malady in the eyes, which were saved by an operation for which he paid many thousand rupees, and he wears spectacles, which somehow or other never seem to suit the costume of an Oriental very satisfactorily. His Sirdars were very splendid and peculiar-looking people.

It may be said, however, without detriment to the attractions of these Chiefs, that the *cortége* of the Maharajah of Cashmere, and the splendour of his personal adornments and of his *cortége*, caused the impressions produced by previous coruscations to fade away. His carriage was preceded by two troopers, with brass helmets and cuirasses, which, unless I am deceived, belonged once to France, and defended the heads and bodies of Imperial Cuirassiers. Four more of these Life Guardsmen or "Blues" followed his carriage, in addition to his escort proper. His Sirdars, in five carriages, followed the coach in which sat the Maharajah, accompanied by the Political Officer (Jenkins) and his Dewan. He is a handsome man, small in stature, but well made, and more quick in gait and manner than are Asiatic Chiefs generally. He and his Chiefs affect the Sikh head-dress—one of the most becoming of turbans, with its pretty, rakish set, and smart, defiant brush. As to his aigrette or plaque, one can only say that there seemed to be a light in the air as he turned his head in talking with the Prince. Some of his Sirdars were almost as brilliant, and, taking them all in all, the Cashmerees would have been as good as any of the States' representatives had not Scindia followed. The attachment of Scindia to the British Raj nearly cost him his throne in 1858, and it is said he feels very keenly the fact of the fortress of Gwalior, which was occupied after Sir Hugh Rose drove out Tantia Topee and placed him once more on the guddee, being still retained in our hands. Certainly his look showed no feeling but the utmost pleasure at meeting the Prince. He walked up with Colonel Hutchins, the Political Officer, towards the Prince in a kind of eager, courteous, deprecating way, which no actor could at all imitate. Scindia looks a man all over. He delights in soldiering, and a very good judge told me he knew of very few officers in our service who could put a Division of the three arms through a good field-day so well as the Maharajah of Gwalior. Scindia is in many ways what is called a fine fellow. He wanted to lay out five lakhs of rupees as presents to the Prince, and was with difficulty reduced to half a lakh (£5,000), and he is very liberal in all his ideas. He has gained good opinions; he has risked much by his fidelity to the British Government, and he certainly did not increase his authority among his own people by the discovery and surrender of a supposititious Nana Sahib—heir, in their eyes, of the Peishwas. The Scindia Sirdars were more eager than any of the others to see the Prince, and, whatever was said or done by him, he must have pleased them greatly.

Now came a very eccentric visitor—the Sultana Jehan, Begum of Bhopal. She is a G.C.S.I., a descendant of one of those families which were pushed into place and power, mostly by British influence, after the Pindarees were stamped down. At 12 a salute of 19 guns was fired, and a closed brougham drove up to the steps, to which the guard (now of the 40th, relieving the 109th) presented arms. The door was opened and out stepped a shawl, supported on a pair of thin legs, and on the top of the shawl there was the semblance of a head, but face there was none, for over the head there was drawn a silk hood, and from it depended a screen of some sort of stuff, which completely concealed features which report says are not at all deserving of such strict retirement, though Her Highness is nearly 40, which is old for India. With her was her daughter—a figure draped and dressed like the first, and quite as old to judge from appearances, though the lady is only 18. The ladies walked very slowly one after the other, and were led up the steps as if they were performing some remarkable feat. The Sirdars, among whom were two highly-jewelled lads, said to be Her Highness's nephews, were dressed magnificently, and one fine old fellow, Jam Allahdeen Khan, was a very fine type of a Native Minister.

The last Chief who was received to-day was the Maharajah of Rewah, whose carriage and four, with two postilions in green and gold, top-boots, and breeches, did credit to the Political (Bannerman) in charge of His Highness. The Maharajah is a very dignified personage, and is very well spoken of by all who know him. His Highness suffers from some skin malady, for which he uses a yellowish pigment on his face; but he has an agreeable look for all that, and he produces a most favourable impression on all who make his acquaintance. His family claims very high rank in point of ancestry and antiquity, and one daughter is married to the Rajah of Vizianagram. When his Highness took leave, the receptions were finished.

SEALKOTE, *January* 21.

The Prince of Wales, accompanied by the Lieutenant-Governor, the Duke of Sutherland, Sir B. Frere, and most of the members of his

suite, left Lahore yesterday morning at 9 by special train; Wazeerabad was reached at 11-30, and thence the party proceeded in carriages to Sealkote. The Prince lunched with the officers of the 9th Lancers. Seven miles outside Jammoo he was met by the Maharajah, and a splendid cavalcade escorted him to the town, at the foot of the Himalayas, whose snowy range formed a beautiful background.

At the river the party left their carriages and mounted on elephants. The banks were lined by cavalry, and thence all the road, nearly three miles long, was lined by horse and foot, in picturesque uniforms.

There was a great display of fireworks in the evening.

It is very cold here, the thermometer marking 29 degrees this morning.

LAHORE, *January* 23.

We have had a busy six days indeed. On Monday we had a Cavalry field-day, tent pegging, regimental games, hunting, a dinner at the Commander-in-Chief's, and departure from camp by special train at night. Next day there was the public entry into Lahore, a durbar for Native Chiefs, a visit to the gaol and and fort and other public buildings. Next day visits to the Chiefs, a drive to Meean Meer, the opening of the Soldiers' Exhibition of Industry, and return to Lahore, an inspection of Native work from Cabul, Turcoman and Persian shawls, &c.

On Thursday the Prince went by special train to Wazeerabad, where the narrow-gauge line now terminates. He drove to Sealkote, lunched with the 9th Lancers, and continued his journey to the confines of Jammoo. There was a grand elephant procession and a banquet at the Maharajah's, at which hundreds of people were present. The day following there was a hunting and shooting excursion, and a very interesting entertainment in the old palace. Yesterday the Prince returned from Jammoo. There was a Native entertainment at Lahore to-day, which was one of rest by comparison.

The Prince continues wonderfully well, and it is thought this place agrees with him better than Delhi. Some symptoms of indisposition made their appearance among the suite. Captain Glyn did not feel well enough to go on to Lahore, and when the Prince left for Jammoo on Thursday it was thought advisable for Lord Suffield and Lord Aylesford to remain behind. They are now quite recovered. Lord Carington's collar-bone is doing so well that he will, it is said, soon be able to ride again. Advices received to-day state that Captain Glyn and Colonel Grey will join the Prince at Agra.

Bubber Jung, the son of Sir Jung Bahadoor, who was also detained by illness at Delhi, will speedily, it is hoped, resume his duties as Aide-de-Camp to the Prince. These statements as to the health of the party may prevent mischievous or alarming rumours.

The weather has been delightful, though one night at Lahore a fall of the thermometer to 29 proved rather trying to dwellers in tents.

To go back a little and review briefly what has occurred in this bustling week: As the movements of the two Generals were not of a nature to give scope for Cavalry manœuvres, and the Prince, it was understood, desired to see the splendid Division work in the open field, a day was ordered for the last Monday on the vast plain between the Kurnaul road and the river Jumna. The Brigades were each three regiments strong, with the exception of the 4th, which had only two. They were drawn up in lines of columns under General Watson when the Prince and his Staff arrived, and after the inspection began the manœuvres against an imaginary enemy, which were interesting and instructive to those acquainted with the general idea. When the Brigades changed front to the left and formed in four lines for action, it was one of the prettiest sights imaginable. I cannot here describe all the movements, but generally it may be said the force was handled beautifully, and that the Native regiments were conspicuous by their picturesque and fluttering lance pennons, which showed wonderfully well side by side with the comparatively tame looking, but business-like British regiments. The flanks of the lines were, in advance or retreat, carefully covered, and every disposition was made for mutual support. Successive charges were admirably delivered, the front line retiring in good order through deep nullahs and watercourses. A dash at the supposed enemy's guns, under cover of the fire of a dismounted force, made in extended order, was not so happy as owing to the inveterate habit of man and horse, they closed too much together when the movement came to charge. The Prince was highly gratified; and when the movements were over, he attended a large meeting of soldiers' games and sports, tent-pegging, feats of arms, riding and polo playing, and later had a run with the hounds. His visit to the camp has done an immense deal of good, and given a fillip to the spirits of the soldiers, European and Native, roused up the officers and men, and marked, perhaps, an era in the history of the Army in India, which will, it is believed, be accompanied by another distinctive feature in the promulgation of the Commander-in-Chief's views on its organization when he takes leave of the force which he has brought to such a creditable condition. Perhaps our authorities may take note of the fact, however, that the artillery in India is highly composite. There are three different systems to be seen in the armament, and that the strong places which were recommended so

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long ago for each great station are still castles in the air.

In the evening the Prince and some of his suite dined with Lord Napier, while others enjoyed camp hospitality, or clustered round Lord Northbrook's hospitable table, presided over by Captain Jackson, at head-quarters.

In a General Order, dated the 18th of January, Lord Napier conveys to the Army the expression of the Prince's satisfaction and approval of the discipline which characterizes the Army. Wherever the Prince has had occasion to inspect it, it has been fully maintained in India. He has been struck by the steadiness under arms, the martial bearing, and the precision of the three arms at the Review. He had long entertained a hope of seeing an Indian Army which had exhibited such loyalty and courage side by side with their European comrades in many memorable contests, and is pleased to find that his anticipations are more than realized, and it will be his gratifying duty to inform the Queen that the armies of her Eastern Empire are in a state of high efficiency.

It is almost a pity the Prince could not be present to observe the effect of these flattering but not undeserved words; but he was, when they were published in Orders, rapidly approaching the capital of the Punjab.

It was very cold at night in the train, and an early breakfast at Umritsur was not unwelcome.

Lahore looked its best in the bright light of morning as the special train slid up to the red cloth on the platform where the Governor of the Punjab and the Military and Civil Staff of the Province, with a very large assemblage of Europeans, were waiting to receive the Prince. Descriptions of the Royal progress must be wearisome from sheer liability to mark the individual features of each scene, for all are various and each seems to be better than its predecessor. Lahore has got quite a type of its own. The Railway Station aims at being mistaken for a fortification, with turrets and battlements, and the real citadel above is scarcely less imposing. The beautiful mosque domes and minarets tell of former greatness, when Mahomedanism flourished in the land. If the native town has narrow streets, it seems clean. The flat roofs and carved lattices give it a strong resemblance to Cairo as it was. There is somehow an Orientalism which is not Indian in the aspect of the people and town. There is a mixture of Palestine and Krim Tartary about them, Jewish faces and Tartar dwellings. The Prince's *cortége*, which was very well turned out, made a long sweep round the town passing in front of a series of encampments of the Rajahs, Chiefs of the Punjab, who had come in to do him honour. These were all drawn up for miles in front of their respective camps. Before each floated the banner of the Rajah. The elephants, with gold and silver howdahs, stood in line. Then there were led horses in gold and silver saddle-cloths, and jewelled caparisons. Each Chief's armed retainers, regular and irregular, were drawn up, lining the roadway on both sides. Lance and sword sparkled, armour flashed, morion, cuirass, plume, banner, all was light and beautiful, and such a combination of colours as fairly astonished the beholder, and forced him to close his eyes for a moment and ask if it was a dream. Never was anything more beautiful. The very spirit of chivalry hovered over these martial faces and noble forms—the grand stately Chiefs making obeisance, the roll of the drums, the blare of the trumpets, and the clang and outburst of strange instruments. Such might have been the triumphant procession of Saladin or of Timour himself but for that villainous saltpetre and those firearms. Masters of lance, falchion, and shield, fenced in by this extraordinary pageantry, stood or squatted, silent, motionless. What some time hence will be designated by Native reformers the majesty of the people was also on flat house-tops and on walls, and seemed much taken with the aspect of its Princely brother, whom it was able to recognize by reason of the gold umbrella carried over his head in the Governor's carriage.

The way to Government House seemed very short—there was so much to admire, but it is four miles long. Being an eminently practical people, we have made the convenient tomb of a cousin of Emperor Akbar into a residence for the Governor of the Punjab, but it is said to have been occupied as a dwelling by a Sikh General before Sir J. Lawrence obtained it. The living find it very comfortable. There was a Guard of Honour of the 92nd Highlanders, 100 strong, all picked men, with their pipers and colours, outside. A Cavalry escort accompanied the Prince all the way. The police were active, but very gentle. As soon almost as the Prince had been introduced to the ladies of the Governor's family and to his Staff, and had changed his uniform, it was time to receive an address of the people of Lahore, represented by the Municipality, who were waiting. It would rather have astonished members of an English Town Council to have seen these Punjabees in turbans of the finest tissue, gold-brocaded gowns and robes, coils of emeralds, rubies, pearls round their necks, finer than *any Lord Mayor's chain* I ever saw. They were ushered upstairs to the drawing-room, where the Prince stood in the midst of his Staff, who were formed on two sides, and were presented formally. The Municipality address welcomed the Prince to the capital of the Punjab. They saw in his visit another proof of the warm interest of the Queen in their welfare. Although among the younger sons of her

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great Empire, they claimed a foremost rank among her subjects; for, placed at the North-Western door of India, on the borders of regions untraversed by Europeans, and mindful of their own past history, they were in a position to appreciate more than others the benefit of British rule, and they hoped to evince in their acts the gratitude of a faithful people. They wished the Prince health, happiness, and pleasant recollections of his visit.

The address was well read by a Native gentleman. All the members scanned the Prince's face, not staring, but with respectful curiosity. The Prince replied that he was glad to visit the capital of an important frontier division of the Indian Empire and to be so cordially welcomed. He would with pleasure communicate to the Queen their assurances of loyal attachment and gratitude. He thanked them for their good wishes.

The Levee followed, with the usual stream of great Satraps of the Punjab, also of planters and private persons. When that stream ran out, another far more sparkling and bright, if somewhat erratic, turned on, and followed through the drawing-room before the Prince—the presentation of Native Chiefs of Punjab States. Some of these gentlemen were not successful in their attempts to understand the uses of *fauteuils*, and taxed the gravity of those who would have been quite as amusing if they made *efforts to sit on their own heels.* The Chiefs assembled in a handsome tent outside the Government House, and were thence escorted to the Prince by the Political Officers and Aides-de-Camp. To show how trouble crops up, let me interpolate the remark that among the complaints made as to the Levee by the Natives, it was stated that their shoes were lost or mislaid because they took them off at one door and were not allowed to go out the same way.

Later, the Prince went to see the gaol, which is a model establishment, abounding in ferocious ruffians and wilder villains. Among the latter must be reckoned the brace of Thugs who were brought out for inspection, one of whom, aged 70, made the pleasant statement that he had murdered more than 250 people, and the other, who looked as if he might have equalled his great master if time permitted, said he could account for 35 only. Perhaps they are not believed as they are alive. They showed how the cord was used. The old gentleman gave Dr. Fayrer's wrist a twist with it which he felt next day. The Prince did not exercise his clemency in their direction, but asked for the liberation of two miserable Englishmen sentenced for embezzlement, and of some Natives for minor offences.

Afterwards he drove to the Citadel, a famous fort of Runjeet Singh, and saw the sun setting over the broad plains and placid river from every tower whence the old Lion of Lahore used to watch it rise. In the armoury attention was attracted by two cannon mounted on a revolving frame, which the Prince was told belonged to Dhuleep Singh. There was a monster banquet at the Lieutenant-Governor's in the evening, and so ended the day in Lahore, and a most interesting, suggestive one it was. Space will not admit of description of the return visit of the Prince to the Chiefs of Bahawulpur, Nabha, and Kaupurthulla next day, nor of an account of the opening of the Soldiers' Industrial Exhibition at Meean Meer, the most dreary-looking and dusty of cantonments if one had not seen Sealkote. But all will come in due time. In the evening there was a Native *fête* in the Shalimar Gardens, which was open to only one charge, and that could not be helped—it was very cold; but the gardens were exquisite—long and broad ribands of lamps illuminating lakes and islands, whereon stood white marble kiosks and temples, cascades lighted, a Lalla Rookh episode; and this coldly beautiful as it was, gave no indication of the really astonishing picturesqueness of what the Prince was to see next day, when he went to visit the Maharajah of Cashmere at Jummoo. There is a narrow gauge line to Wazirabad, of 26 miles, of which the most that can be said is that it is better than no rail at all. The Prince and his suite went off by a special train which managed to reach its destination in a little more than two hours. At Wazirabad, carriages and outriders were in waiting. There is an excellent road. The country is a dead level, with few trees, and in some places with a scanty population. The steeple of Sealkote Church is seen far off rising like a lighthouse out of the sea. The Artillery, Cavalry, and Infantry were drawn up. The Prince lunched with the mess of the 9th Lancers, and then continued his route over an excellent road newly repaired. Jummoo is 27 miles from Wazirabad, the snowy summits becoming more distinct and beautiful every mile. It was after 4 when the Prince made his exit from British India, and entered the State of Jummoo as the guest of the Maharajah of Cashmera. An arch was thrown across the road and at the other side was a deputation of chiefs in carriages waiting to conduct the Prince, whose carriage was escorted by a troop of the 9th Lancers, over a new road for nearly 30 miles laid down by the Maharajah. Horses were changed every six miles. At seven miles from Jummoo, which was quite visible now on the lowlying spur of the snowy range—it is something like Aosta or Stirling as seen from the south—the Maharajah and the Sirdars welcomed the Prince. The scene can never be forgotten as the carriages halting in succession on the top of the ridge permitted the occupants to look down on the broad river, flowing below the spur on which

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stands Jummoo, covered with gay boats with rowers in scarlet and yellow liveries, and men were floating on skins. A bridge of boats crossed the stream. On the near bank there were a vast number of elephants painted to be sure, and bearing gold and silver mines on their backs. On the other side there were Cavalry in armour, double lines of Infantry. The old hill fort opposite the city was thundering out a salute, astonishing the Himalayan wolves and jackals. When the Prince, descending, mounted an elephant with the Maharajah and led the procession across the river the clang was indescribable. It was getting dark, but that march up the hill from the riverside to the camp, for some two miles through roads and streets lined with the Maharajah's army, was in many respects the most original spectacle yet presented. It would have retained that place but for what followed next night. On the summit above Jummoo stands a huge building, only roofed a few hours ago. It looks like a railway station. It was built expressly for the Prince's reception, carpetted and hung with shawls, pictures, and mirrors. Here the Prince descended. After the Durbar was held His Royal Highness was conducted to a verandah, and witnessed the very best fireworks yet seen, representing a general action. Afterwards a monster banquet, to which all the Europeans were invited. The Prince retired to the camp close at hand. His tents are fitted up beautifully. A vast camp for the suite and the multitude of guests. The next day a sporting party was arranged, but it was not very successful, as it was too near Jummoo. There was some good falconry, but the wild boars seemed to think they ought not to run away. Some were killed nevertheless. There was a cheetah let loose at a deer, but it ran after a dog instead. The dog turned and the cheetah then fled. A lynx was slipped at a fox, but reynard showed fight and the lynx and the fox made it up and were friends. There was some small game shot. The drawing of the nets in the river revealed the fact that Cashmere inherits the arts of Cleopatra, for some fish were fastened by the gills to the meshes. The procession of elephants proceeded through the illuminated city to the old palace, where the Maharajah gave a dinner to the Prince and a small party, which rivalled the best shows of the Royal tour, and then there was a weird, terrible performance of lamas from Thibet. Their sacred dancing drama was far and away the most strange thing I have ever witnessed. More fireworks ended the evening, and the Maharajah finally presented the Prince with a sword worth at the lowest calculation £10,000. It is studded with precious stones from hilt to point. Soon after 8 on the 22nd the Prince left Jummoo in State, as he entered it, but his cavalry escort was furnished by the Maharajah's Cuirassier Lancer regiment, before which were borne a green and gold standard. There were also kettledrums and elephants. Before the Prince's departure heads and horns of the yak deer and antelopes were laid out, and live deer, eagles, falcons, Thibetan dogs, &c., were brought for the Prince's acceptance. At the other side of the river carriages were in waiting. At seven miles out of the town the Maharajah took his leave. He expressed a deep sense of the obligation under which he laid for the visit of the eldest son of the Queen. The Minister and other nobles came to the British frontier, and took leave at a triumphal arch inscribed, "This road is for our illustrious Prince." There was then rapid travelling, with a change of artillery horses every six or seven miles. At Sealkote the party halted an hour to lunch with Colonel Marshall and the officers of the 9th Lancers. They then proceeded to Wazirabad, where the Prince opened the grand bridge over the Chenab by driving a silver trowel into the ground; but his carriage outstripped those at the end of the *cortége*, and those who were in the latter were too late to witness the ceremony. Three hundred Europeans assembled in a handsomely decorated banquet hall at the Wazirabad Station to lunch on the return of the Prince in the train, which crossed the bridge and returned. Mr. Grant, the engineer, was on the left, and Lady Reid on the right. No speeches were made, but the toasts of the Queen and the Prince were proposed.—*Times*, 22nd January 1876.

THE TITLE OF REVEREND.

Keet v. Smith and others.

This appeal followed the cause of *Jenkins* v. *Cook*, before a different Court, the Archbishops of Canterbury and of York being now absent from the Committee. The appellant is a Wesleyan minister residing in the parish of Owston Ferry, in the county of Lincoln. The respondents are the Rev. George Edward Smith, the vicar, and the churchwardens, parishioners, and inhabitants. The appeal is brought from the decision of the Judge of the Arches Court of Canterbury (Sir Robert Phillimore), given on the 31st July 1875, refusing to issue a faculty for the erection of a certain tombstone in the churchyard of Owston parish church. From Mr. Keet's petition the following particulars appeared:—The stone was simple in character and was inscribed with the words:—

"I. H. S. In loving memory of Annie Augusta Keet, the youngest daughter of the Rev. H. Keet, Wesleyan minister, who died at Owston Ferry, May 11, 1874. Aged seven years and nine months.

"Safe sheltered from the storms of life."

Mr. Keet having been informed by a stone-

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mason that the vicar objected to the erection of the tombstone, wrote to him as follows :—

"*June* 2, 1874.

"Sir,—The enclosed is a copy of the inscription we gave to Mr. Barningham to be placed on the stone denoting where the remains of my dear child lie. I have been informed that you have an objection to it. Will you, therefore, please write me on the subject at your earliest convenience?

"I am, Sir, yours truly,
"Henry Keet."

"Rev. G. E. Smith."

Mr. Keet, having received no reply, wrote on the 8th June :—

"Sir,—Having heard from Mr. Barningham that you object to the words 'Reverend' and 'Wesleyan Minister' being inserted, and as I find similar expressions on tombstones in Epworth churchyard, will you kindly give me the reasons of your objection? It will be a great disappointment not to be able to have a stone. May I beg the courtesy of a reply per bearer?

"Yours truly,
"H. Keet."

Mr. Keet received a verbal reply through a servant to the following effect:—"Tell Mr. Keet that I saw Mr. Barningham last week, and that I have no more to say."

The matter originally came before Mr. Walter G. F. Phillimore, the Chancellor of the diocese of Lincoln, who declined to issue any citation, and his decision was subsequently upheld in the Arches Court by Sir Robert Phillimore. Dr. A. J. Stephens, Q. C., with Mr. Bayford and Mr. Jeune, appeared for the appellant. The other side was not represented.

Dr. *Stephens* began his argument by a description of the proposed tombstone.

The *Lord Chancellor*.—There is no objection to the tombstone, I presume, except by reason of the word "Rev." appearing upon it.

Dr. *Stephens*.—That is so; there is no objection to the stone in itself. My first point is that the granting of a faculty is not the dispensing with law, but the execution thereof (Ayliffe's Parergon), *Butt* v. *James*, 2 Hagg. Ecc. Cases, 424. Faculties are to be granted at the discretion of the Ordinary, but it must be a sound discretion, having due regard to the interests of all concerned. The learned Judge below has expressly submitted his judicial decision to the dissent of the incumbent and the authority of the Bishop. This he had no right to do. His judgment was grounded on the Bishop's letter to the present appellant, but the appellant, on applying for a faculty, had a right to the judgment of his Lordship entirely apart from any opinion the Bishop may have formed upon the matter.

Sir *W. M. James*.—The correspondence of the Bishop is not a matter of legal authority.

Dr. *Stephens*.—Precisely so.

Sir *W. M. James*.—The Dean of Arches had no right to look at the letter in forming his judgment.

Dr. *Stephens*.—No right at all. (*Harper* v. *Ford*, 5 Jur., N. S.) Dr. Lushington expresses himself clearly on this point.

The *Lord Chancellor*.—We may assume that the Bishop's correspondence is not allowed to come in.

Dr. *Stephens*.—*Breeks* v. *Woolfrey*, cited by the Judges below, has no application to this case.

Sir *Barnes Peacock*.—*Breeks* v. *Woolfrey* is with you as far as it goes.

Lord *Penzance*.—Did the incumbent ever assert his right to refuse the tombstone altogether?

Dr. *Stephens*.—No. The Incumbent only acts on behalf of the Ordinary.

Dr. *Stephens*.—The Judges below seem to have thought that the Church can give titles.

The *Lord Chancellor*.—No titles can, of course, be given, except from the Crown.

Dr. *Stephens*.—Now, as to the question of the epithet "Rev." depending on episcopal ordination.

Sir *W. M. James*.—Is there any authority to show that is so?

Dr. *Stephens*.—None whatever. There is no authority in the world for it. It is a mere abstract theory.

Sir *W. M. James*.—The Dean of Arches assumes that "Rev." is rightly the title of a man who is episcopally ordained. What connexion is there between episcopal ordination and the title of "Rev.?"

The *Lord Chancellor*.—It is appropriated as a title of honour.

Dr. *Stephens*.—They rest it upon user.

The *Lord Chancellor*.—The Judges of Assize were, I think, called "Rev." in the Bidding Prayer at the University.

Dr. *Stephens*.—It is by no means only the clergy of the Church of England who are entitled to the use of the word "Rev." In the fifteenth and sixteenth centuries "Rev." was

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applied to the laity—persons of estimation among the laity, whether male or female. It was, moreover, distinctly not used in reference to the parochial clergy. In the well-known "Paston Letters" ladies and gentlemen address each other as "Rev." and "Right Rev." Servants address their masters in the same way, and the clergy so address the laity; but, on the other hand, the clergy are always addressed by the laity as "Sir."

The *Lord Chancellor.*—Should a clergyman now allow a lady to be styled "Rev." on a tombstone? Does your argument carry you as far as that?

Dr. *Stephens.*—No, my lord; because the common usage of the day would not allow it.

Lord *Penzance.*—The question is whether there is an encroachment on a monopoly of the clergy.

Dr. *Stephens.*—There is no monopoly whatever shown by user or in any other way. I will refer you to the eighth volume of "Dugdale." (The learned counsel here referred to an inventory of Church vestments in "Dugdale" of the date of the 16th century, in which Archbishop Morton was named as "Mr. Morton, Cardinal Archbishop.") He followed up this reference by two others, dated 1585 and 1675 respectively, in which the term "Rev." was applied to Judges.

Sir *F. Kelly.*—In many places and books and at many times the word "Rev." has been used in connexion with people who have never been ordained.

Sir *W. M. James.*—All that is meant is, "I am a Wesleyan minister;" there is no further claim whatever to any title which belongs only to Church of England ministers.

Dr. *Stephens.*—As to the charge made against the doctrines held by the Wesleyans, there is no shadow of foundation for it. They are all but, if not completely, identical with those of the Church of England. Secretaries of State have continually addressed Wesleyan and other Non-conformist ministers as "Rev.;" so also have the Prerogative Court and the Court of Probate.

Sir *W. M. James.*—There has been, therefore, a univeral user.

The *Lord Chancellor.*—The question is reduced to whether a customary epithet placed on a tombstone, otherwise unobjectionable, would justify a refusal of the faculty.

The *Lord Chancellor.*—The applicant is a Wesleyan minister, residing at Owston Ferry, who lost an infant daughter in the year 1874. She was buried at Owston Ferry, and he was desirous of erecting a tombstone, a *fac simile* of which is before us. The Rev. George Edward Smith is vicar and incumbent of Owston Ferry. How far Mr. Smith may have objected to the erection of a tombstone at all, or how far on various grounds connected with its shape and appearance, it is not necessary for their Lordships to inquire, for no objection has been raised on these points. Mr. Smith has not appeared at any of the stages of this suit in the Courts below or on the present occasion. The only way we know the condition of his mind on the subject is as follows. The appellant was told by a stone-mason of the vicar's objection. He wrote to the vicar the letter dated the 2nd of June (which his Lordship read), to which he received no reply; and another dated the 8th of June, both letters asking the reason of the vicar's objection; to the latter he received only a verbal answer—"The vicar had no more to say," &c. Their Lordships are, therefore, obliged to assume that the vicar's only objection to the erection of the tombstone is that it contains the words "Rev.," and "Wesleyan Minister." (His lordship here read the epitaph as given above.) Their Lordships have, therefore, only to consider whether this constitutes a sufficient objection to justify the refusal of the issue of the citation. The learned Judges in the Courts below seem to have thought that the word "Rev." is a title of some kind, and, as titles are matters of property, persons who claim them must show a right to use them as of honor or courtesy. It seems also to have been their opinion that the clergy of the Established Church had by Episcopal ordination an exclusive right to the use of the word (unless indeed the right be shared by priests of the Roman Church). In the opinions of their Lordships "Rev.," is not a title of honour or courtesy; it is *a laudatory epithet.* It has been used, not for a great length of time, but for some considerable time, by the clergy of the Church of England. It was used in ancient times by persons who were not clergy at all. It has been used and is used in common parlance of social intercourse by ministers of denominations separate from the Church of England. It is, therefore, impossible to treat this as an exclusive possession of the Church of England. I cannot help adding that if ever there was a case in which no possible misunderstanding could arise it would be here, where on the face of the inscription it appears exactly what was meant. There are appended to the name of Henry Keet the words "Wesleyan Minister." There is no pretence to the position of ordained minister in the Church of England. The statement is one which claims nothing more than what is actually the fact. Their Lordships are, therefore, of opinion that a faculty should issue for the erection of the tombstone in question.

Cause remitted.—*Idem.*

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